

MYKOLO ROMERIO UNIVERSITETAS

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LISTENING FOR LAW

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Mokomasis leidinys

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1. SOURCES OF ENGLISH LAW

1. Pre-listening focus

Before listening predict if the statements are true or false.

		True	False
1.	English law stems from two major sources-customs and court rulings.		
2.	Case law is Parliament-made decisions.		
3.	The EU legislation can take precedence over statutes in the UK.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

precedent	legislation	equity	precedence
statutes	statutory	interpreting	interpretation
contribution	contribute	implement	provisions

3. Language focus

3.1. Predict which words are missing in the text. Then listen to the recording about the major sources of English law and check the missing information.

English law stems from 1) main sources, though these vary a great deal in importance. The basis of our law today is 2) law, a mass of judge-made decisions which lay down rules to be followed in future cases. For many centuries it was the main form of law and it is still very important today. However, the most important form of law, in the sense that it prevails over most of the others, is statute law, or 3) of Parliament, which today are the source of most major changes in the law.

As well as being a source of law in their own right, statutes contribute to case law, since the courts have to interpret statutory 4) , and such decisions lay down new precedents. 5)legislation is a related source, laying down detailed rules made to implement the broader provisions of statutes.

An increasingly important source of law is the 6) of the European Community, which is the only type of law that can take precedence over statutes in the UK and is increasingly influencing the decisions of the courts in interpreting statutes. Finally, custom, 7) and obligations relating to international treaties are minor sources of law, though Britain’s obligations under the European 8) on Human Rights have produced notable contributions to law reform.

3.2. Find the words in the text 3.1. to match the definitions.

1. all the laws passed by Parliament or other law making body
2. orders which have the power of Acts of Parliament, but which are passed by a minister to whom Parliament has delegated its authority
3. conditions in a legal document
4. earlier happening, decisions, etc. taken as rules or examples for what comes later
5. principals of justice as contrasted with the strictly formulated rules of common law or statute law
6. usual and generally accepted behaviour among members of a social group
7. to explain; to make clear
8. to carry an undertaking into effect
9. an agreement between states, rulers, etc.(less formal than a treaty)
10. to state authoritatively; to set down on paper

3.3. Fill in the table with the sources of English law.

No	Sources of English law

3.4. Match the following words with their Lithuanian definitions.

1. statute/statutory law	a) teisingumas (specifinė bendrosios teisės sistemos kategorija)
2. precedent	b) įstatymų rinkinys, statutų teisė
3. obligation	c) precedentas (faktas, kuris gali būti pavyzdys ar pateisinimas kitiems panašiams)
4. case law	d) precedentinė teisė
5. legislation	e) pareiga, įsipareigojimas
6. equity	f) įstatymų leidimas

4. Useful language

In the sense that	relating to	contribute to
take precedence over	lay down	by reason of
obligations under		

5. Grammar focus

Compare the following sentences and use the necessary connectors to contrast ideas.

<p>English law stems from seven main sources, 1) these vary a great in importance.</p> <p>Case law is still very important. 2), the most important form of law, in a sense that it prevails over most of the others, is Statute.</p> <p>Custom, equity, obligations relating to international treaties are minor sources of law, 3) Britain's obligations under the European Convention on Human Rights have produced notable contributions to law reform.</p>
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6. Information box

Conventions are not written down in law but tend to be old, established practices-the way they have always been done. They are not like “real” laws and they are not enforceable by courts. They are called “conventions”, because they arise from usage or legally binding agreement between states.

Equity is justice administered according to fairness as contrasted with the strictly formulated rules of common law. It consists of a system of rules and principles which allow a fair judgement to be made in a case where the existing laws do not provide a reasonable answer to the problem. Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory and methods from the common law.

Treaties are major agreements between two or more states which have to be ratified (approved) nationally and then passed into national law.

7. Follow-up

7.1. Look at these dictionary extracts defining the nature of various “sources of law”. Match the key words below to the corresponding extract:

- | | | |
|---------------------------------|---------------|-------------|
| a) theoretical or philosophical | b) historical | c) literary |
| d) documentary | e) formal | |

1. The sources of law are the acts and events in past time, which have given rise to particular principles and rules of law. In the United Kingdom and Continental European legal systems, generally these include the Roman law, the canon law, the feudal customs, the law merchant and the general maritime law of Western Europe. In particular countries, such as England, they include the Magna Carta or the constitutional disputes between King and Parliament in the 17th century.

2. The terms used of the sources which, by reason of their accepted authority, confer validity and legal force on principles and rules drawn from them. They are the recognized law-creating and law-declaring agencies from which come valid rules of law. In this sense, among such sources of law in the United Kingdom are declarations by Parliament in the form of legislation, statements of law by superior courts, equity, etc.

3. The term “sources” is sometimes applied to those principles which have influenced law, motivated legislation or prompted change. Thus, the source of many principles of equity was the idea of natural justice and that of much reforming legislation in the 19th century was utilitarianism, the philosophy of utility.

4. The term is used of the sources, the documents containing the authoritative statements of rules of law. In the United Kingdom, these are the volumes of statutes, statutory instruments and of reports of case law, and the writings of jurists, which are recognized as books of authority, such as Coke and Blackstone.

5. The term is used of the sources, legal literature, the books to which one turns for information. These include encyclopaedias, treaties, textbooks, and works of reference, which are based on the material sources but have no authority and validity as rules of law, and no judge is bound to accept the rules so stated as correctly stated.

7.2. *For a better understanding of the English law system, read the glossary below.*

to give rise - to cause
canon law - the church law
maritime law - the law connected with the sea or navigation
merchant law - the law connected with doing business with foreign countries
accepted - recognized
authoritative - that can be trusted because of a reliable source
statement - a declaration of fact
legislation- the power to make laws; the act of giving or enacting laws
to confer - to give or grant
validity - a state of being legal because made or done with the correct formalities
to draw from - to extract
law-declaring - law announcing, making known
to apply to - to concern; to have a bearing (on)
to prompt - to be the reason causing sb to do sth
natural justice - rules for behaviour considered as innate and universal
utilitarianism - quality of being useful
volumes of statutes - books containing the statute law
statutory instrument - a British administrative regulation or order

instrument - a document, administrative order or regulation; a general term for a legal document
reference - a note, a direction, etc. telling where certain information may be found
to be bound to - to be obliged to

7.3. *Working with a partner, see if you can answer the following questions without referring back to the text:*

1. What are the historical sources that have shaped the legal system of the United Kingdom?
2. Which two philosophical principles influenced 19th century English law?
3. What are the formal sources of law in the UK?
4. Are legal treaties and encyclopaedias accepted as binding in courts of law?

8. Build your own legal vocabulary

9. Roundup

9.1. *Answer the question and share the ideas with your partner.*

What “sources” have influenced English law?

9.2. *Prepare a mini-presentation on the most significant sources of the present Lithuanian legal system.*

2. BRANCHES OF LAW

1. Pre-listening focus

Before listening predict if the statements are true or false.

		True	False
1.	The law affects every aspect of life.		
2.	Public law is concerned with the relationship between citizens.		
3.	Private Law is also called Public Law.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

affect	conduct	pursuit	prohibiting
involvement	aggrieved	civilized	fundamental
	dispute		

3. Language focus

3.1. Listen to the beginning of a lecture. The presenter speaks about the topics listed below. Mark them in the order in which they are mentioned.

Topic	Order
The influence of law on our lives	
Civil and criminal law	
The nature of law	
Public and private law	

3.2. What examples were given of situations covered by laws on:

1. Working conditions	
2. Leisure pursuits	
3. Personal relationships	

3.3. Listen to the next part and take notes on the areas covered by the branches of law that are mentioned.

Branch of law	Area covered
1. Public Law	
2. Constitutional Law	
3. Administrative Law	
4. Criminal Law	
5. Private Law	

3.4. Match the words with the corresponding definition.

1. to embark on	a) treated unjustly
2. ban(n)	b) sth at which one works or to which one gives one's time
3. pursuit	c) an order not to do sth
4. conduct(n)	d) to have an influence on, to affect
5. aggrieved	e) to start
6. to govern	f) behaviour

4. Useful language

Its influence extends to	Let start with	going to present/describe
law concerning	it governs	it is often contrasted with
on the one hand		it is confined to
it comprises		is concerned with

5. Information Box

The British Constitution is just as important to the British as the US Constitution is to the Americans.

Nevertheless, it is not written; that is to say, it has never been wholly reduced to writing. This does not mean, that the British possess no important constitutional document, or series of documents, containing their essential constitutional laws.

The main sources of the Constitution are:

Acts of Parliament (written)

Conventions (unwritten)

Common law (unwritten)

Royal prerogative (unwritten)

EU law (written)

Treaties (written)

Works of authority (written)

The pillars of the Constitution are:

Parliamentary sovereignty – Parliament is the supreme law making body

Rule of law – everyone is equal before the law

Other important principles are:

Unitary state (power lies at the centre)

Constitutional monarchy

European Union membership

Many constitutional rules are "laws" in the ordinary sense, that is to say, they will be recognized and enforced by courts. But there are certain other rules which govern the working of the conditions, which are not laws in this case. They are called "**conventions**", because they arise from usage, or agreement.

Civil law is sometimes called **Private law**. It is the law relating to disputes between private individuals, by contrast with **Public law**, which relates to relationships between the citizen and the state.

The main areas of civil law are torts, contracts, probates, trusts, company law and family law.

The main areas of public law are crimes, Constitutional law, International law.

6. Build your own legal vocabulary

7. Roundup

Give examples of a case where the same set of events can lead to both criminal and civil actions.

3. CRIMINAL AND CIVIL LAW

1. Pre-listening focus

Before listening predict if the statements are true or false.

	True	False
1. Criminal law is concerned with punishing those who engage in prohibited acts.		
2. In civil proceedings a defendant sues a plaintiff in a civil court.		
3. A claimant must prove the case "beyond reasonable doubt".		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

proceeding	prosecution	prosecutor	prosecute	convict(v)
enactment	defendant	initiate	injunction	
encounter	acquitted	terminology		

3. Language focus

3.1. Match the following words with their definitions.

1. prosecution	a) a court order placing an offender under supervision instead of a sentence of imprisonment
2. defendant	b) a document that sets out legal rules and has been passed by the Parliament
3. remedy(n)	c) a person against whom court proceedings are brought
4. probation	d) a person who brings an action at law
5. enactment	e) a remedy in the form of a court order to do or not to do something

6. Act	f) an Act of Parliament, an order or any other piece of subordinate legislation, or any particular provision contained in any of these
7. plaintiff	g) a way to get redress
8. injunction	h) the pursuit of legal proceedings, particularly criminal proceedings

3.2. Listen to the text and take notes on the areas covered by Criminal and Civil Law.

CRIMINAL LAW	
Concerns	
Purpose of action	
Parties	
Decision	
Punishment	
CIVIL LAW	
Concerns	
Purpose of action	

Parties	
Decision	
Punishment	

3.3. *Make nouns from the verbs by adding the appropriate suffix if necessary and translate them.*

Verb	Noun
1. to enforce	a)
2. to convict	b)
3. to prosecute	c)
4. to imprison	d)
5. to enact	e)
6. to claim	f)
7. to provide	g)
8. to conduct	h)
9. to undertake	i)
10. to punish	j)
11. to defend	k)
12. to remedy	l)
13. to govern	m)
14. to proceed	n)
15. to be liable	o)

3.4. Match the words in A with the words in B to make words collocations.

A	B
1. to remedy	a) the dispute
2. to resolve	b) a private prosecution
3. to initiate	c) prohibited acts
4. to sue	d) not liable
5. to be engaged in	e) a defendant
6. to find	f) the procedure
7. to deal with	g) wrong
8. to provide	h) the private rights and obligations

3.5. Find the English equivalents of the phrases in the right column of the table.

English	Lithuanian
1.	a) delikto ir nuosavybės įstatymas
2.	b) tikimybinis faktų įrodymas
3.	c) civilinis/baudžiamasis teismo procesas
4.	d) priverstiniai viešieji darbai
5.	e) neteisėtas elgesys
6.	f) civilinis teisės gynimo būdas (nukentėjusio asmens reikalavimų patenkinimo būdas)
7.	g) atsakovas civilinėje byloje; teisiamasis baudžiamajoje byloje
8.	h) pripažintas kaltu ir nuteistas
9.	i) deliktas (civilinės teisės pažeidimas)
10.	j) pareikšti ieškinį atsakovui civilinėje byloje

The little girl suffered only bruises and superficial injuries.

Six months later, it was clear that the little girl was to suffer from after-effects of the accident and would stutter for many years. The little girl admitted that it was Mr. Body's fault.

6.2. Answer the questions.

1. What are fundamental differences between civil and criminal legal rules?
2. Which laws affecting business are parts of Civil Law?

7. Build your own legal vocabulary



8. Roundup

8.1. Prepare to describe a case where events lead to criminal or civil actions. Ask your partner to identify the purpose of the action, parties involved, decision taken and punishments given.

8.2. What is the basic difference between criminal and civil law?

4. WHO IS A CRIMINAL?

1. Pre-listening focus

Before listening predict if the following statements are true or false.

		True	False
1.	A person who has committed a crime or a person who often commits crimes is a criminal.		
2.	A person who does not know what he is doing because of the state of mind is a criminal.		
3.	A person who is accused of a crime in a criminal case and pending trial.		

2. Pronunciation focus

With a partner practice saying the following words and mark the stressed syllable.

Straightforward	committing crimes
computer hacking	unauthorized person
presumably	computerized security systems
a law-breaker	'victimless' crime
incident	offend
illegal transaction	sexual harassment

3. Language focus

3.1. Match the following words to their definitions.

1. exceed	a) a tax that you must pay on something you buy, or on something you bring into one country from another country
2. presumably	b) not officially or legally allowed or approved of
3. duty	c) to go above an official limit

4. unauthorized	d) someone who uses a computer to connect to other people's computers secretly and often illegally, so that they can find or change information
5. hacker	e) annoying or unpleasant behaviour towards someone that takes place regularly, for example threats, offensive remarks, or physical attacks
6. hold-up	f) used for saying that you think something is true based on what you know, although you are not really certain
7. harassment	g) a situation in which someone threatens people in a bank or shop with a gun in order to get money or goods
8. consent	h) permission to do something

3.2 Listen to the lecture and tick the points mentioned by the lecturer.

1. Spread of defamatory information
2. Exceeding the speed limit
3. Buying and selling illegal goods
4. Drug trafficking
5. Avoiding paying duty on goods
6. Setting a fire in the fields
7. Computer hacking
8. Taking things from shops without paying
9. Illegal financial transactions
10. Sexual harassment at work

3.3. Listen to the lecture once again and fill in the gaps.

A criminal is a person who commits a crime, a crime being (1)..... , something against the law. However, once we begin to think about the matter a little further, it soon (2) to be more complicated than this. How many of us can honestly put our hands on our hearts and say we have never (3) ? For example, how many of us have never (4) when driving? Or never bought (5) at a certain age, such as cigarettes or alcohol?

Or failed to go through the red channel (6) , in order to avoid paying duty on goods we have bought? Most of us, at one point or another in our lives, have broken the law in this way. Does this then make us criminals? I don't expect you to answer that question, let me hasten to

add, at least not now and not (7) ! My point is that most of us, I am sure, despite committing 'crimes' like these, do not think of ourselves as criminals. This, then, is my first point: in our minds, a criminal would appear to be not always the same as someone who (8)

Let us take the question of (9) This is when an unauthorized person gains entry to a computer system. This has recently become illegal in many countries. Yet before these laws came (10) , there was widespread feeling that computer hacking was a criminal kind of activity, (11) because it made people feel worried about the threat to computerized security systems used by banks, (12) , and so on. Thus, although they broke no law until recently, computer hackers have traditionally been widely (13) criminals. This example again serves to show the problem of trying to define a criminal simply as (14) It would seem, in other words, that our everyday concept of what is criminal is not necessarily just what is against the law. Instead, it depends on (15) the world.

4. Useful language

Commit a crime it turns out to be at one point or another
 let me add not in public
 my point is let me give some examples unauthorized person
 presumably
 it serves to show the problem “victimless” crime illegal transaction
 concepts of crime
 viewed by the public with or without the consent

5. Build your own legal vocabulary

5. CRIME AND PUNISHMENT

1. Pre-listening focus

Before listening answer the following questions.

1. What are the most common crimes committed in your city?
2. Does the punishment always fit the crime?

2. Pronunciation focus

With a partner practice saying the following words and mark the stressed syllable.

You end up with a really filthy street environment surroundings
 a deterrent fine Scrape the stuff off violent theft
 should not be underestimated involve torture
 an enormous amount of damage

3. Language focus

3.1. Match the following words to their definitions.

1. offence	a) an amount of money that you have to pay because you have broken the law
2. filthy	b) to include something as a necessary part of an activity, event, or situation
3. deterrent	c) actions, words, judgments, or laws are strict, unkind, and often unfair:
4. brutal	d) something that is annoying and is a continuing problem
5. ban	e) work that someone does as a punishment, instead of going to prison
6. consequences	f) to think or guess that something is smaller, less important etc than it really is
7. fix up	g) a crime or illegal activity for which there is a punishment

8. dreadful	h) making people decide not to do something by making them realize that something unpleasant could happen to them
9. underestimate	i) extreme physical pain caused by someone or something, especially as a punishment or as a way to make someone say something
10. nuisance	j) an official statement ordering people not to do, sell, or use something
11. harsh	k) used for emphasizing how bad something is
12. fine	l) to clean, repair, or decorate something:
13. community service	m) a result or effect of something
14. torture	n) extremely violent
15. involve	o) very dirty

3.2. Listen to nine people talking what punishment they would give people guilty of the crimes listed below. What crime is each person talking about? Tick them in the given list.

1. Bribery
2. Handling stolen goods
3. Mugging
4. Swearing in public
5. Money laundering
6. Kidnapping
7. Drink driving
8. Graffiti
9. Creating and releasing computer viruses
10. Trespassing
11. Contempt of court
12. Dropping litter
13. Murder
14. Drug trafficking

3.3 Listen again and fill in the table.

Speaker	Crime	Punishment
1	trespassing	
2		
3		
4		
5		
6		
7		
8		
9		

3.4. Which punishments do you agree with? Do you disagree with any of them? Why?

4. Useful language

but I really think
 well, let's be honest
 you deserve what you get
 I don't really have a strong opinion

I just think
 I personally think
 I'm not really sure
 about it other than that

5. Grammar focus

Insert prepositions into the collocations and phrases given below.

1. go into somebody's garden asking them
2. people do it thinking
3. it should be an eye an eye
4. depending how much you've had
5. scrape the stuff the walls
6. see the consequences your action
7. fix your own mess
8. heavily punished it
9. this is no way a nuisance crime
10. that could be put better use

6. Build your own legal vocabulary

7. Information box

Capital punishment, also called the **death penalty**, is the execution of a convicted criminal by the state as punishment for crimes known as *capital crimes* or *capital offences*. Capital punishment is a very contentious issue. Supporters of capital punishment argue that it deters crime, prevents recidivism, and is an appropriate form of punishment for the crime of murder. Supporters believe that the penalty is justified for murderers by the principle of retribution, that life imprisonment is not an equally effective deterrent, and that the death penalty affirms the right to life by punishing those who violate it in the most strict form. While some arguments are about moral judgments, others are disagreements about empirical trends, such as whether the death penalty is a more effective deterrent than life imprisonment. Opponents of the death penalty argue that it has led to

irreversible miscarriages of justice, that life imprisonment is an effective substitute, and that it violates the criminal's right to life. They claim that it does not deter criminals more than life imprisonment, leads to executions of some who are wrongfully convicted, and discriminates against minorities and the poor.

A Gallup International poll from 2000 claimed that "Worldwide support was expressed in favour of the death penalty, with just more than half (52%) indicating that they were in favour of this form of punishment." A break down of the numbers of support versus opposition: Worldwide 52%/39%, North America 66%/27%, Asia 63%/21%, Central and Eastern Europe 60%/29%, Africa 54%/43%, Latin America 37%/55%, Western Europe 34%/60%.

The compelling question is: if justice is served by putting a murderer to death, in what way is it served? What is your view on the issues related to the death penalty, death row inmates, methods of execution, and controversial issues relating to race and juvenile offenders?

8. Follow-up

Discussion

1. Do you think punishment is an effective deterrent to crime? If yes, which kind of punishment do you think is most effective? If not, how would you prevent crime?
2. Do you think crime is ever justifiable?

6. TORTS

Pre-listening focus

Before listening answer the following questions.

1. What is a tort?
2. What is the difference between torts and crimes?
3. What types of torts do you know? Give examples of each type of tort.
4. What torts are likely to be committed by neighbours?

CASE ONE: JANE AND PATRICK (NEIGHBOURS)

1. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

trim	haul	benefits	reconsider	property	sue
------	------	----------	------------	----------	-----

2. Language focus

2.1. Fill in the gaps of the sentences with the appropriate words from the box.

haul	trimmed	garbage	reconsider	benefits	sued
------	---------	---------	------------	----------	------

1. Patrick his apple trees yesterday.
2. He his neighbour for damages.
3. She wished him to their argument.
4. Jane took the of the apple trees but she refused to deal with the bad side of it.
5. Patrick didn't tree branches off Jane's property.
6. He didn't drag the tree branches to the front for the pickup to collect them.

2.2. Listen to the argument between Jane and Patrick, two neighbours, take notes and then explain their different approaches to the problem.

Jane	Patrick

2.3. Was any tort committed? If yes, what tort was committed? Why do you think so? Give more examples of this type of tort.

2.4. Write the prepositions where necessary. Then listen again and check them.

1. to fall the fence into Jane's yard
2. to pick apples
3. to get fairly well
4. to take the benefits of the apple trees
5. to reconsider the problem
6. to deal the bad side of the problem
7. to drag the branches Jane's property
8. to be fair something
9. to sue Patrick
10. to see Patrick court

CASE TWO: MARY AND BARB (NEIGHBOURS)

1. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

flight	jet	housing development	rattle	petition	trespass
	sue	attorney	barely	insulation	engine

2. Language focus

2.1. Match the words with their definitions.

1. housing development	a) lawyer; person who is legally allowed to act on behalf of someone else
2. to rattle	b) written request accompanied by a list of signatures of people supporting it
3. petition	c) developed piece of land that has houses built on it
4. trespass	d) the action of covering a house so as to prevent sound from getting out or in
5. to sue	e) to make a number of quick sharp noises like small hard objects hitting each other repeatedly
6. attorney	f) to start legal proceedings against someone to get compensation for a wrong
7. insulation	g) tort of interfering with the land or goods of another person

2.2. Listen to two neighbours, Mary and Barb, complaining about the noise of the jets flying very low directly over their houses. Complete the sentences.

Barb can't hear a thing anyone is saying, and her dishes

Mary didn't hear her

Barb thinks they might get

Mar thinks they ought to sue the airport for

They could see and ask him what he thinks about it.

The insulation is not bad for winter weather but not for

2.3. Is Mary right thinking that the tort of trespass was committed? Why do you think so? Give more examples of this type of tort.

3. Build your own legal vocabulary.

4. Information box

Tort is a civil wrong done by one person to another and entitling the victim to claim damages. This private or civil wrong or injury should result from a breach of a legal duty that exists by virtue of society's expectations regarding interpersonal conduct rather than by contract or other private relationship.

There are many kinds of torts, each with different elements, but they can be generally classified into three groups: those involving *intent*, *negligence*, or *strict liability*.

The essential elements of a tort are the existence of a legal duty, breach of that duty, and casual relation between defendant's conduct and the resulting damage to plaintiff.

5. Follow-up

Read the text about the tort of negligence and answer the following questions.

1. Is negligence an intentional tort?
2. What can negligence result in?
3. What does the plaintiff have to prove in order to get damages?
4. What is the difference between compensatory damages and punitive damages?

Negligence

Negligence is failure to exercise the care toward others which a reasonable or prudent person would do in the circumstances, or taking action which such a reasonable person would not. Negligence is accidental as distinguished from "intentional torts" (assault or trespass, for example) or from crimes, but a crime can also constitute negligence, such as reckless driving. Negligence can result in all types of accidents causing physical and/or property damage, but can also include business errors and miscalculations, such as a sloppy land survey.

Negligence arose from the common law and, although some applications may now be incorporated into statute or codes, it is considered the primary basis upon which to determine liability in tort. The general test of liability requires the plaintiff or claimant to prove that:

- the defendant owed a duty of care to the plaintiff/claimant;
- the defendant breached that duty of care;
- this breach caused loss or damage to the plaintiff/claimant; and
- the defendant should compensate the plaintiff/claimant for that loss or damage.

Damages place a monetary value on the harm done, following the principle of *restitutio in integrum* (the Latin for "restoration to the original condition"). Thus, for most purposes connected with the quantification of damages, the degree of culpability in the breach of the duty of care is irrelevant. Once the breach of the duty is established, the only requirement is to compensate the victim. But, particularly in the U.S., punitive or exemplary damages may be awarded in addition to compensatory damages to reflect the egregious nature of the defendant's conduct, e.g. that the defendant was malicious or callously indifferent.

7. CIVIL PROCEDURE

1. Pre-listening focus

Before listening answer the following questions.

1. Who starts a civil action?
2. What are the reasons for bringing a civil action?
3. What are the parties called in a civil action?
4. What lawyers can help the parties?
5. Do you know any stages in the civil procedure?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable, pay attention to the primary and secondary stresses.

lawsuit	filed the complaint	defendant	plaintiff
discovery phase	admission	stipulation	pretrial motion
trial	attorney	cross examination	

3. Language focus

3.1. Match the following words with their definitions.

1. lawsuit	a) lawyer; person who is legally allowed to act on behalf of someone else
2. to file	b) criminal or civil court case heard before a judge
3. plaintiff	c) application to a judge in court, asking for an order in favour of the person making the application
4. defendant	d) questioning witnesses called by the other side in a case
5. admission	e) disclosure of each party's documents to the other before a hearing starts in the civil courts (usually done by preparing a list of documents)
6. stipulation	f) an agreement, admission, or concession made by parties in a judicial proceeding or by their attorneys relating to business before the court

7. pretrial	g) to send a document to court
8. motion	h) case brought to a court by a private person
9. discovery	i) person who starts an action against someone in the civil courts
10. trial	j) referring to the period before the civil action
11. attorney	k) facts which are admitted by both parties before the case starts
12. cross-examination	l) person who is sued in a civil case

3.2. Listen to Ms Cherry' attorney who explains the stages in the civil procedure to her. Put the stages the attorney mentions in the correct order (from 1 to 7).

- a) The trial starts.
- b) In the discovery phase the parties discover what everybody knows and agrees to.
- c) The defendant files papers called "the answer".
- d) The plaintiff tells what happened and why he/she started the action.
- e) Then there is the cross-examination.
- f) The plaintiff files a complaint.
- g) The attorney sends requests (admissions) to the other party.

1	2	3	4	5	6	7

3.3. Listen again and answer the following questions.

- 1. Has Ms Cherry been involved in a lawsuit before?
.....
.....
- 2. What information is there in the complaint filed by Ms Cherry's attorney?
.....
.....
- 3. Why has Ms Cherry sued the defendant?
.....
.....

4. Which facts are called stipulations?

.....
.....

5. Will Ms Cherry have to speak in court?

.....
.....

6. Who asks questions during cross-examination?

.....
.....

4. Build your own legal vocabulary.

5. Information box

Civil procedure is the body of rules and practices to be adhered to in adjudicating a controversy before a court of civil, as opposed to criminal, jurisdiction. The term refers to matters of form rather than to the principles of substantive law that must be applied to determine the rights of the parties.

Procedural rules govern the decisional forms whereby substantive rules may be maintained or redressed when violation has been threatened. Generally, procedural rules concern the incidents of adjudication or one of its institutional equivalents such as arbitration or the administrative process.

The law of procedure is both a means of augmenting other inducements to individuals for conducting their relations in conformity with the substantive law's prescriptions, and a model of dispute resolution technique.

6. Follow-up

Read the text and answer the following questions.

1. Whose claims are resolved in a civil trial?
2. Who prosecutes an individual in a criminal trial?
3. What is the difference between procedure and substantive law?
4. What are possible standards of proof?
5. Who has the burden of proof in a civil action?

CIVIL PROCEDURE: AN OVERVIEW

Broadly speaking, civil procedure consists of the rules by which courts conduct civil trials. "Civil trials" concern the judicial resolution of claims by one individual or group against another and is to be distinguished from "criminal trials", in which the state prosecutes an individual for violation of criminal law.

"Procedure" is to be distinguished from "substantive law" in that substantive law defines the rights and duties of everyday conduct. Substantive law includes contract law, tort law, and so on.

A procedural system provides the mechanism for applying substantive law to real disputes. A good procedural system should provide guidelines as to what information is received by the judge or jury, how that information is to be presented, and what by standards of proof ("beyond a reasonable doubt," "by clear and convincing evidence," "by a preponderance of the evidence") the information will be adjudged. A good procedural system ensures that similar cases will be treated similarly by the courts.

Although the majority of suits filed in the United States are settled before trial through negotiated settlements or arbitration, "civil procedure" strictly defined applies only in formal courts of law.

Under the American "common law" system, the initial burden is on the complaining party (the "Plaintiff") to file suit in court. The Plaintiff also has the initial burden of demonstrating he or she has a legitimate claim.

In America, civil procedure usually takes the form of a series of rules and judicial practices. The federal courts follow the Federal Rules of Civil Procedure.

8. ELEMENTS OF A CONTRACT

1. Pre-listening focus

Before listening answer the following questions.

1. Can anyone enter into a contract? Are there any requirements?
2. What is the difference between a simple agreement and a contract?
3. What agreement is considered to be a contract?
4. What are the elements of a contract without which a contract would not be binding in law?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

cocaine	worth	stuff	cool	portrait	charge	sketch	studio
---------	-------	-------	------	----------	--------	--------	--------

3. Language focus

3.1. Match the words with their definitions.

1. stuff	a) to ask in payment
2. cocaine	b) (infml) (used to give force to an expression, esp. large amounts of money)
3. to advertise	c) a simple, quickly made and not detailed drawing
4. cool	d) matter, material
5. to charge	e) to make (something for sale) known to the public
6. sketch	f) a drug now often taken illegally for pleasure, which one can become dependant on

3.2. Listen to the two dialogues which take place in the park (**Joe and Bert**) and on the beach (**Mary and the artist**) and complete the table about the essential elements of a contract.

1. IN THE PARK

Competent parties	
Subject matter	
Valuable consideration	
Obligation	

2. ON THE BEACH

Competent parties	
Subject matter	
Valuable consideration	
Obligation	

3.3. Predict which words are missing in the following extracts. Then listen again and check the words.

1.

J You know stuff, you know, blow, nose candy.

B Oh?

J

B Oh, that stuff.

J So you have it?

B Maybe. What's it to you?

J It's a, right?

2.

M Well, John, I'd like to talk with you about painting a of my daughter. How do you?

A What size of were you talking about?

M It doesn't have to be

A How about 24 by 18? I could do a nice here on the beach for \$45, but if you want a portrait, I charge \$300.

4. Build your own legal vocabulary.

5. Information box

There are three classes of controlled drugs: **Class A drugs** (cocaine, heroin, crack, LSD, etc.), and **Class B drugs**: (amphetamines, cannabis, codeine, etc.); and **Class C drugs**: (drugs which are related to the amphetamines, such as benzphetamine).

The drugs are covered by five schedules under the Misuse of Drugs Regulations: **Schedule 1**: drugs which are not used medicinally, such as cannabis and LSD, for which possession and supply are prohibited; **Schedule 2**: drugs which can be used medicinally, such as heroin, morphine, cocaine, and amphetamines: these are fully controlled as regards prescriptions by doctors, safe custody in pharmacies, registering of sales, etc. **Schedule 3**: barbiturates, which are controlled as regards prescriptions, but need not kept in safe custody; **Schedule 4**: benzodiazepines, which are controlled as regards registers of purchases; **Schedule 5**: other substances for which invoices showing purchase must be kept.

6. Follow-up

Fill in the gaps with the appropriate words from the box to complete the text.

contract law	judicial benefit	valid personal	illegal	monetary
--------------	------------------	----------------	---------	----------

VALUABLE CONSIDERATION

One of the other important elements of contract law, which is difficult for the non-lawyer to understand, is the requirement of consideration. One 1875 English case, *Currie v. Misa*, offered a definition of "consideration" which is still used:

"... some right, interest, profit or(1) accruing to the one party or some forbearance, detriment, loss or responsibility given, suffered or undertaken by the other."

As such, a contract differs from a gift. This also explains why you sometimes hear of very expensive objects sold for \$1; which is done to ensure that what is essentially a gift, comes with the legal protection of (2).

Under contract law, there is no contract if there is no consideration.

But consideration does not necessarily have to be quantified or quantifiable in (3) terms. Any discernible detriment to one of the parties could be that party's consideration. In one case, *Hubbs v. Black*, 1918, agreeing not to take a certain plot in a cemetery was

considered to be sufficient consideration. Giving a right to sue on a "bona fide" claim has been deemed to be adequate consideration. Also, the courts don't really care about the adequacy of the consideration. This is the business of the parties and not a matter for (4) interference.

The consideration must be reciprocal, each party offering consideration.

Motive is different from consideration. Your motive for contracting is your (5) reason for contracting. It may not coincide with the consideration you are giving, or receiving, as part of the contract.

If a consideration is already "spent" in a prior contract, a new contract using that same consideration would be(6). In the words of one law professor: "where a contractual duty already exists, it may be possible...to vary the original agreement without necessarily establishing a whole new contract with fresh consideration on both sides." In fact, refreshing a commitment to do something for a third party is consideration under common law.

The consideration cannot be something or some act which is (7), immoral or contrary to public policy. If a certain act is punishable by some law, then it is "illegal". An example would be a work contract to an unlicensed electrician.

9. SELLING A CAR

1. Pre-listening focus

Before listening answer the following questions.

1. What makes of cars do you know? What are your favourite cars?
2. What problems might arise selling and buying a used car?
3. What is the legal aspect of selling a car?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

handle	a rumble seat	in mint condition	upholstery
appraised	vehicle	identification	transfer title

3. Language focus

3.1. Write the prepositions where necessary.

1. to get rid the car
2. it remind me him
3. it was mint condition
4. to appraise a car
5. to transfer title the car

3.2. Match the words with their definitions.

1. to handle	a) to pass to someone else
2. rumble seat	b) document proving the right to hold a property
3. in mint condition	c) belonging to the present time
4. upholstery	d) to make an estimate of the value of something
5. vehicle	e) in perfect condition, as if new and unused
6. to appraise	f) to buy, sell, or deal with in business or trade

7. current	g) material that makes a comfortable covering and filling for a seat
8. to transfer	h) outside folding-seat on some early cars
9. title	i) something in which people or goods can be carried from one place to another, esp. something that moves on wheels

3.3. Listen to the conversation between Ms Sujana and her attorney Mr Gonzales. Fill in the table with the missing information about the selling contract.

1. the seller of the car	
2. the reason for selling the car	
3. the year of manufacture of the car	
4. the make of the car	
5. the type of the body of the car	
6. the condition of the car	
7. the identification number of the car	
8. the price of the car	
9. the buyer of the car	
10. the address of the seller	
11. the telephone number of the seller	
12. the time of the transfer of the title of the car	

4. Build your own legal vocabulary.

5. Information box

Seller in commercial law is a person who sells or contracts to sell goods. Commercial law is made up of laws regarding business.

Sale is a contract or agreement by which property is transferred from the seller (vendor) to the buyer (vendee) for a fixed price in money, paid or agreed to be paid by the buyer. A sale contemplates a free offer and acceptance, a seller and purchaser dealing at arm's length, and the fixing and payment of a purchase price.

Absolute sale is a sale wherein the property passes to the buyer upon completion of the agreement between the parties.

In the usual course of trade, at usual selling price, a saleable item shall be of ordinary marketable quality, bring the average price, be lawful merchandise, be good and sufficient of its kind, and be free from any remarkable defects.

6. Follow-up

Fill in the gaps with the appropriate words from the box to complete the text.

warranties	insurance	consumer	promises
maintenance	individual	federal	interest

BUYING A USED CAR

If you're looking to buy a used car, you'll need to think about your driving habits, your needs, and your budget. You can learn about car models, options, and prices by reading newspaper ads. There is a wealth of

information about used cars on the Internet. Libraries and book stores also have publications that compare car models, options, and costs, and offer information about frequency-of-repair records, safety tests, and mileage. Many of these publications have details on the do's and don'ts of buying a used car.

Once you've narrowed your car choices, research the frequency of repair and maintenance costs on the models in auto-related (1) magazines.

Concerning payment, you have two choices: pay in full or finance over time. If you finance, the total cost of the car increases. That's because you're also paying for the cost of credit, which includes (2) and other loan costs. You'll also have to consider how much you can put down, your monthly payment, the length of the loan, and the annual percentage rate (APR). Keep in mind that annual percentage rates usually are higher and loan periods generally are shorter on used cars than on new ones.

If you buy a service contract from the dealer within 90 days of buying a used vehicle, (3) law prohibits the dealer from eliminating implied (4) on the systems covered in the contract. For example, if you buy a car "as is," the car normally is not covered by implied warranties. But if you buy a service contract covering the engine, you automatically get implied warranties on the engine. These may give you protection beyond the scope of the service contract. Make sure you get *written* confirmation that your service contract is in effect.

The Federal Trade Commission's (FTC) Used Car Rule requires dealers to post a Buyers Guide in every used car they offer for sale.

The Buyers Guide cautions you not to rely on spoken (5). They are difficult to enforce because there may not be any way for a court to determine with any confidence what was said. Get all promises written into the Guide.

If the dealer won't let you take the car off the lot, perhaps because of (6) restrictions, you may be able to find a mobile inspection service that will go to the dealer. If that's not an option, ask the dealer to have the car inspected at a facility you designate. You will have to pay the inspection fee.

Once the vehicle has been inspected, ask the mechanic for a written report with a cost estimate for all necessary repairs. Be sure the report includes the vehicle's make, model and VIN. Make sure you understand every item. If you decide to make a purchase offer to the dealer after considering the inspection's results, you can use the estimated repair costs to negotiate the price of the vehicle.

An alternative to buying from a dealer is buying from an (7). You may see ads in newspapers, on bulletin boards, or on a car. General's office or local consumer protection agency about the requirements in your state.

Whether you buy a used car from a dealer, a co-worker, or a neighbour, follow these tips to learn as much as you can about the car:

- Examine the car yourself using an inspection checklist. You can find a checklist in many of the magazine articles, books and Internet sites that deal with buying a used car.
- Test drive the car under varied road conditions—on hills, highways, and in stop-and-go traffic.
- Ask for the car's (8) record. If the owner doesn't have copies, contact the dealership or repair shop where most of the work was done. They may share their files with you.
- Talk to the previous owner, especially if the present owner is unfamiliar with the car's history.

10. PHONING A LANDLORD

1. Pre-listening focus

Before listening answer the following questions. Share your opinion and knowledge of legal points of contract law with your group mates.

1. Have you ever rented a room?
2. Who usually rents a room?
3. What terms should be agreed upon before renting a room?
4. What is the difference between a tenant and a landlord?
5. Can the landlord and tenant decide upon the terms themselves?
6. What can happen if the tenant doesn't pay the rent?
7. Do you think law protects tenants and landlords? In what way?

2. Pronunciation focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

advertisement in advance	include deposit	share particular	heating separate	payable avenue
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3. Language focus

3.1. Match the word with the corresponding definition.

1. advertisement	a) for the use of only one person
2. to share	b) the first part of a payment for goods or services
3. single	c) ahead of time
4. heating	d) to use something with others
5. deposit	e) something used for making things known to the public such as a notice in a newspaper
6. in advance	f) not shared with another, individual
7. separate	g) a system for keeping rooms and building warm

3.2. Listen to the conversation between Angela and the landlord and mark if the following statements are true (T) or false (F) or no information given (N).

1. Angela found the advertisement for the room in the daily newspaper.
2. The rent for this room is £35 a week.
3. The rent does not include any meals except the tea.
4. There is a one month deposit for the room.
5. This deposit is payable in advance.
6. There are no other deposits.
7. No guests are allowed to come to the room.
8. Angela wants to ask her mother's opinion about the room.
9. The place is quite near the underground station.

3.3. Predict what questions Angela might ask the landlord. Then listen again and check your questions.

- A
- L £35 a week.
- A
- L No, no, you don't have to pay for that. There's central heating in all the rooms.
- A
- L The room, obviously. You don't have to share. It's a single room.
- A
- L Oh yes. Five minutes to the tube station, and the bus stop is just round the corner.
- A
- L Yea, of course. I'll give you the address.

3.4. Pay attention to the fillers which are typical of natural speech. Listen again and try to hear all of them.

er...;	right, uhm...;	right;	you know;	well;	oh yea
--------	----------------	--------	-----------	-------	--------

4. Build your own legal vocabulary.

5. Information Box

A **contract** is an agreement between two or more parties to create legal obligations between them. Some contracts are made ‘under seal’, i.e. they are signed and sealed by the parties; most contracts are made orally or in writing.

The terms of contracts may be express or implied.

A breach of contract by one party entitles the other party to sue for damages or in some cases to seek specific performance.

6. Follow-up

Read the text and complete the blanks 1-4 with the parts of sentences a-d below.

- a) ensure that the accommodation provided meets any minimum physical standards.
- b) it is strongly recommended that you and the tenant(s) agree some ground-rules in advance
- c) is rent to be paid weekly/fortnightly/monthly
- d) Where more than one individual is entitled to benefit from the rent

RENTING OUT A ROOM IN YOUR HOME IN IRELAND

With effect from 6 April 2001, if you rent a room (or rooms) in your principal private residence to private tenants during the relevant tax year, the rental income you earn will be exempt from income tax, provided this income does not exceed 7,620 euro. This is called the "Rent a room" scheme. (1) (i.e., you and your spouse,

etc.), the limit of 7,620 euro is divided between the individuals concerned. Tenants who rent out a room(s) in your home are entitled to claim tax relief on rent paid.

If you choose to rent out a room(s) in your home, you are not covered by landlord/tenant legislation in Ireland. This means that you are not obliged to register with as a landlord, provide a rent book to the tenant or (2). This also means that private tenants living in your principal home are living under a "Licensee Agreement" *not* a tenancy agreement and are really only entitled to "reasonable notice" if you choose to terminate the agreement. Tenants are, however, entitled to refer disputes regarding periods of reasonable notice, retention of deposits, and disputes regarding deductions from rent for damage to property that is over and above normal "wear and tear" to the Small Claims Court.

Before you agree or choose to rent out a room(s) in your home therefore, (3). You should put these ground-rules in writing and both parties (i.e., you and your tenant) should sign and each keep a copy of this agreement so you can both refer to the terms of your agreement in the event of confusion or disagreement. Some of the ground-rules you might consider are:

- What will the period of the tenancy be?
- What will the minimum periods of notice be if either party chooses to terminate the agreement?
- How much will the rent be and when can this be reviewed?
- How will rent be paid and (4)?
- What is the situation regarding visitors and friends staying over?
- Are there any restrictions regarding noise levels?

11. FILING A COMPLAINT

1. Pre-listening focus

Before listening answer the following questions.

1. Which branch of law deals with complaints of private individuals?
2. Can any private individual bring an action against another private individual?
3. What may people complain about?
4. How can the court help them?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

file a complaint	allege	demurrer	dismiss the case
	venue		discovery

3. Language focus

3.1. Match the following words with their definitions.

1. to allege	a) in a civil action, a plea that although the facts of the case are correct, they are not sufficient to warrant the action
2. demurrer	b) place where a hearing is held
3. to sue	c) to state (usually in evidence) that something has happened or is true
4. venue	d) dismissal of the case for lack of jurisdiction
5. quasi in rem jurisdiction	e) disclosure of each party's documents to the other before a hearing starts in the civil courts (usually done by preparing a list of documents)
6. discovery	f) to take someone to court or start legal proceedings against someone to get compensation for a wrong

3.2. Match the words to make words collocations.

1. to file	a) our demurrer
2. to grant	b) to sue
3. to dismiss	c) another complaint
4. to have sufficient grounds	d) the answer
5. to draft	e) venue
6. to change	f) the case
7. to wait	g) for someone's call

3.3. Fill in the gaps of the sentences with the appropriate words from the box.

demurrer	discovery	filed	sued
	jurisdiction		

1. The scope of material for the is quite broad and a party is able to gain a lot of information held by another party.
2. John his neighbour for damages.
3. The judge granted Mr Brown's and dismissed the case.
4. The prisoner refused to recognize the of the court. In his opinion, the court did not have the legal right to try him.
5. Mr Smith a petition in bankruptcy.

3.4. Listen to the dialogue between Adam Shang and his attorney Dawn Aurora and answer the following questions.

1. Why is Adam calling his lawyer?
.....
.....
2. What happened to the last case the neighbour began?
.....
.....
3. In which state is the conversation taking place?
.....
.....

4. Did the neighbor ask for a change of venue?

.....
.....

5. What might have been a reason for a change of venue?

.....
.....

6. For what reason does the attorney think the case may be dismissed?

.....
.....

7. How will the attorney see what new information the neighbour may have?

.....
.....

8. How did Adam hear the news about the new lawsuit?

.....
.....

9. How will Dawn get Adam's papers?

.....
.....

10. When should Adam call the lawyer again?

.....
.....

4. Build your own legal vocabulary.

5. Information box

A complaint in a civil action is the first pleading of the plaintiff setting out the facts on which the claim for relief is based. Under modern court rules, the purpose of the complaint is to give notice to the adversary of the nature and basis of the claim asserted.

Complainant is the party who initiates the complaint in an action or proceeding. It is synonymous with *plaintiff* or *petitioner*.

In criminal law, the complaint is the preliminary charge or accusation made by one against another to the appropriate court or officer, usually a magistrate. However, court proceedings, such as a trial, cannot be instituted until an indictment or information has been handed down against the defendant.

6. Follow-up

Read the text and then put the sentences in the correct order according to the text.

GAY ACTIVISTS PLAN EVENT FOR BESIEGED GAY COUPLE by Matthew Hays

Homophobes in Pointe-Claire probably won't like it, but their actions might just lead to the town's first gay-rights rally.

After years of harassment by bigoted neighbours, couple Roger Thibault and Theo Wouters, Pointe-Claire residents for 23 years, have become increasingly distraught as hateful incidents have become more intense in recent months. Now, after filing a complaint with the Quebec Human Rights Commission and with charges of assault and harassment being pressed against a neighbour, media attention about the couple's plight has grown.

And with it, widespread sympathy for their situation. After living in the neighbourhood "completely peacefully," Wouters says a man moved in across the street six years ago, and though they've never "advertised" their sexual orientation, by '97 began verbally harassing them, telling them to "go get married and start a family" and calling them "faggots."

As Wouters recalls, the man then spoke with their immediate neighbour of 17 years, Robert Walker, who began harassing them verbally, popping golf balls into their yard and even stalking them. Walker is currently under a restraining order to stay at least 50 feet away from the couple. They have filed a complaint against the first man with the Human Rights Commission which is currently pending.

Both Wouters and Thibault report suffering severe emotional distress during the last year, when Walker's actions escalated to a point where the restraining order became necessary. But they now say that supportive media attention – which has come everywhere from the gay monthly Fugues to the

Gazette, Globe and Mail, TVA and Global – has given them new hope that they can return to a relatively normal life in their Pointe-Claire house.

"This isn't really something we've wanted to face at this stage in our lives," says Wouters, 59, a couturier. "But the bright side has been the kindness of some. Many neighbours have dropped off cards of support and the mayor sent us a letter of support."

As well, since Wouters is a Dutch citizen, he and Thibault have been invited to a cocktail held by the Dutch embassy to celebrate Queen Beatrix's birthday this April 30.

Gay activists confirm that action in support of the couple is pending, but they want to await the outcome of various trials and hearings. Movement has been slowed due to the recent prosecutors' strike action.

"We've been considering a May rally," says Laurent McCutcheon, president of the French-language phone line Gai-Écoute, and a member of the Table du concertation de violence. "What has happened to them really is shocking. They really need support from the community."

"It isn't always easy to get solidarity among the gay and lesbian community," says McCutcheon, who's quick to add that a high-profile case like this might just do the trick. "What has been brought against these two is so outrageous that it might just anger people to attend a rally. One of the disturbing things is that they had lived there for years with no trouble, and then this."

- a) Hateful incidents have become more intense in recent months.
- b) Mr Walker is currently under a restraining order to stay at least 50 feet away from the couple for harassing them verbally, popping golf balls into their yard and even stalking them.
- c) Gay activists have been considering a May rally in support of Roger Thibault and Theo Wouters.
- d) Couple Roger Thibault and Theo Wouters moved to Pointe-Claire 23 years ago.
- e) Gay activists confirm that action in support of the couple is pending.
- f) The couple accused their neighbour of assault and harassment and filed a complaint with the Quebec Human Rights Commission.

1	2	3	4	5	6

12. PRODUCT LIABILITY

1. Pre-listening focus

Before listening answer the following questions.

1. What is the name *McDonald* usually associated with?
2. What do you know about McDonald's fast-food restaurants?
3. What is McDonald's drive-through?
4. What food is usually served at McDonald's?
5. Is this food considered healthy?
6. Why do you think McDonald's restaurants are so popular?
7. Have you ever heard of any lawsuits filed against McDonald's?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable, pay attention to the primary and secondary stresses.

McDonald's drive-through	product liability	corporate	pretrial
discovery	attorney	consumer	settlement
plaintiff	skin grafts	hospitalization	reimbursement
lawsuit	compensatory damages	punitive damages	erroneously

3. Language focus

3.1. Match the following words with their definitions.

1. product liability	a) party in a court case which has been harmed by another party
2. corporate	b) lawyer; person who is legally allowed to act on behalf of someone else
3. consumer	c) doctrine in the law of torts that holds the manufacturer, or other party involved in selling a product, strictly liable when an article, placed into the market with knowledge that it is to be used without inspection for defects, proves to have a defect that causes a personal injury
4. pretrial discovery	d) person who starts an action against someone in the civil courts

5. attorney	e) show of full trust
6. to sue	f) incorrectly
7. injured party	g) person or company which buys and uses goods and services
8. settlement	h) paying money back to (esp. someone who has had to spend money in connection with their work)
9. confidentiality	i) monetary compensation for loss or harm suffered
10. to bar	j) agreement after an argument
11. plaintiff	k) to forbid something
12. negotiation	l) referring to a company
13. reimbursement	m) discussion of terms and conditions to reach an agreement
14. compensatory damages	n) heavy monetary compensation awarded to show that the court feels the defendant has behaved badly towards the plaintiff
15. punitive damages	o) disclosure of each party's documents to the other before a hearing starts in the civil courts (usually done by preparing a list of documents)
16. erroneously	p) to start legal proceedings against someone to get compensation for a wrong

3.2. Match the words to make words collocations.

1. product	a) a lawsuit
2. corporate	b) consumers
3. to protect	c) grafts
4. to sue	d) compensatory and punitive damages
5. skin	e) liability
6. negotiations	f) a confidentiality agreement
7. to file	g) for the accident
8. to award	h) for burns and injuries
9. to be responsible	i) behaviour
10. to sign	j) for reimbursement

3.3. Listen to the report about the famous case **Stella Lieback v. McDonald's Corporation** and mark if the following statements are true (T) or false (F). Correct the false ones.

1. The case was tried in the state of Mexico. _____
2. The seventy-nine-year-old woman suffered second degree burns as a result of spilling a cup of coffee she had bought at McDonald's. _____
3. Some people assume that Ms Lieback spilled a cup of coffee on herself intentionally to receive millions of dollars. _____
4. This case illustrates that the American product liability system does work in practice. _____
5. McDonald's corporation had never been sued before for burns and injuries. _____
6. In each case, McDonald's corporation had to pay heavy compensatory damages. _____
7. McDonald's served its coffee hotter than it was routinely served in the US. _____
8. Ms Lieback spilled the coffee on her face, and the burns were immediate, painful, and serious. _____
9. Ms Lieback needed skin grafts. _____
10. During negotiations, McDonald's tried to settle the case out of court by offering \$8000 to Ms Lieback. _____
11. The jury found McDonald's attitude ridiculous. _____
12. Ms Lieback was awarded compensatory and punitive damages. _____

3.3. Predict which words are missing in the following extract. Then listen again and check the words.

On closer examination, however, the facts show that this case was actually an example of how the American system works to change behaviour and protect

In pretrial discovery, the for Ms Lieback learned from McDonald's that the corporation had already been over seven hundred other times for burns and injuries caused by the temperature of coffee. In each case, the had settled with McDonald's. As part of, the injured party was required to sign a

..... agreement which would bar the
..... from talking about the nature of the settlement.

She was awarded \$200,000 in damages, which was reduced to \$160,000 when the jury determined that she was 20 percent for the accident. As damages they awarded an amount equal to McDonald's earnings from two days of coffee sales.

4. Build your own legal vocabulary.

5. Information box

Degrees of Burns important for this case:

First-Degree Burns:

Not serious but painful, superficial: mild sunburn or simple burn.

Second-Degree Burns:

Deeper burns, cause blistering: severe sunburn or scalding with boiling water. Usually little if any scarring, which often fades with time.

Third-Degree Burns:

All layers of the skin are destroyed, and damage extends into deeper tissue. Since the nerves are destroyed, these types of burns are often painless. Usually result in much scarring and infection. A doctor must be consulted immediately. In many cases skin grafts are required.

McDonald's is any of a large group of US fast-food restaurants in many countries of the world. The company, established in 1955 by Ray Croc, has become a symbol of US commercial success. McDonald's originally sold only hamburgers, such as the Big Mac, but now sells chicken, fish and breakfast foods as well. The restaurants are especially popular with children and are regarded as typical of the American way of life.

In 1977 McDonald's won the largest trial in British legal history (over 7 years) against two people who published claims that its food is not healthy and that to get the supply of meat it needs it causes damage to the environment.

Product liability is the doctrine in the law of torts that holds the manufacturer, or other party involved in selling a product, strictly liable when an article, placed into the market with knowledge that it is to be used without inspection for defects, proves to have a defect that causes a personal injury. Consumers who are injured because of a fault with a product that the consumers had no ability to protect themselves against may recover against the manufacturer under a theory of products liability. Thus, the one who sells any product in a defective condition unreasonably dangerous to the user or consumer or to property may be liable for physical harm caused thereby even though there is no contractual or other relationship between the seller and user, and even though the seller has not been negligent.

6. Follow-up

Read the text and complete the blanks 1-4 with the parts of sentences a-d below.

- a) why a lawsuit was filed
- b) as a result of this lawsuit
- c) when it comes in contact with human body tissue
- d) McDonald's had already been sued some 700 other times for burn injuries caused by their hot coffee

Of the many injury cases that have been decided over the past ten years, none have received as much publicity as the case of Stella Lieback v. McDonald's Corp. A closer look at the facts shows that this case was actually an example of where the system worked.

At the trial of this case, it was revealed that while coffee served in your home, in a restaurant, on an airplane or in a fast food establishment is normally in the range of 135-145 degrees, McDonald's routinely sold its coffee nationwide at 180-190 degrees. Liquid heated to such a high temperature becomes extremely dangerous(1) .

As a result of these burns, Ms. Lieback had to undergo skin grafts, required hospitalization for several weeks, and incurred medical bills in excess of \$10,000. Later, when her family attempted to negotiate with McDonald's to at least have the medical bills paid, and McDonald's was not willing to do so, it is understandable(2) .

In pretrial discovery, Ms. Lieback's attorney learned that (3), and that they had routinely settled with the injured party, requiring each person to sign a confidentiality agreement, barring the person from talking about the nature of settlement. At the trial of the case, a McDonald's representative maintained that it was appropriate to continue to serve the coffee at 180 degrees, although people were going to get burned, because the numbers of burned people were "statistically insignificant."

The jury, which was inclined at the beginning of the trial to laugh the case out of court, was so enraged by McDonald's attitude that they found for Ms. Lieback.

Importantly, (4), McDonald's eventually announced that it was going to begin serving coffee at a lower temperature - and reportedly that change has occurred. The McDonald's case is a good example of how the press and other interest groups can sometimes misreport an incident to serve their own purposes.

13. WORKING AT HOME

1. Pre-listening focus

Before listening answer the following questions.

1. Do you think that people can be employed but still be able to work at home?
2. Doing which jobs is it possible to work at home? Why?
3. What are the advantages of working at home?
4. What are the disadvantages of working at home?
5. What is the tendency in modern society – to work at home or in the office?
6. How are the employees legally protected?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark primary and secondary stresses.

communications industry	benefit	counterpart	mini-
computer	home terminal	data-processing field	
legal obligation	computer operator	trade union	

3. Language focus

3.1. Match the words to make words collocations.

1. working	a) benefit
2. communications	b) obligations
3. unfair	c) industry
4. sickness	d) field
5. legal	e) terminal
6. data-processing	f) conditions
7. computer	h) union
8. home	i) operator
9. trade	j) dismissal

3.2. Listen to the interview with Lynn Dermott, working for the Low Pay Unit, speaking about working at home and put down the advantages and disadvantages of working at home.

Advantages of working at home	Disadvantages of working at home

3.3. Predict which words are missing in these extracts. Then listen again and while listening check the words.

A

They have a home terminal, oh that consists of a television, a and computer, a printer, and a telephone link, to link up to other computers.

B

What I'm afraid of is that the employer doesn't have to accept his

The employer also has no legal whatsoever to ensure reasonable working conditions.

C

For example, we've found out that in the United States, companies have taken advantage of communications to employ clerks in Barbados, paying them 1.50 an hour.

D

There are three million women in Britain whose jobs involve information, and many would like to have them out of the way at home, with none of the they would get if they were in an office.

E

Now, one company has given its home-workers the
and of full-time employees. But you see this
protection should go to all

F

Now, we are in favour of the and freedoms that
might come with this new but we also want to warn
people now of the

4. Build your own legal vocabulary.

5. Information box

Trade union is the organization which represents workers who are its members, in discussion about wages and conditions of employment with employers. Trade Union Congress is the official name for the organization in Great Britain. The term *trade union* is commoner than *trades union*.

The trade union movement began in the 19th century. Following the Industrial Revolution workers began to form pressure groups, often called unions, to defend their interests and to argue for improved working conditions and pay. Each trade formed its own trade union but, over the years, some combined with the unions of related trades to form larger, more influential groups. Workers belonging to a union elect fellow-workers to negotiate on their behalf with the management.

At first, the interests of the unions were social and economic, but in 1900 the Labour Representation Committee was founded to enable the unions to enter politics. This later became the Labour Party.

In England, unions were originally indictable as criminal conspiracies. When statutes were enacted freeing them from this criminal liability they were still condemned by the courts as being organizations in restraint of trade, and therefore not deserving legal enforcement of their rights, an attitude that persisted for some time in the United States.

Today, labour unions are recognized in full by law in democratic countries. In the USA, they are subject to regulation by the federal government of the state under the National Labour Relations Act.

Fewer people are now joining the trade unions. The old struggle for fair pay, shorter hours and decent treatment have been won, and the emphasis is now on pay rises, job protection, equal rights and political influence.

6. Follow up

Read the questions and fill the gaps with the missing prepositions.

WHY DO YOU WANT TO WORK AT HOME?

- Are you tired your dead end job?
- Are you not making enough money at your current job?
- Do you want to be your own boss working at home?
- Will you ever make enough moneyyour current job to retire?
- Do you want to spend more time at homeyour family?
- Have you ever wanted your own home based business?
- Are you of work and need money to pay the bills?
- Would you love the opportunity to take a nice family vacation?
- Do you want to decide where you live instead your job dictating it?
- Are you simply unhappy your current job situation?
- Or is there another reason why you want to work at home?

14. AN ARRANGED MARRIAGE

1. Pre-listening focus

Before listening predict if the following statements are true or false.

		True	False
1	The interviewee thinks that arranged marriages always work well.		
2	The interviewee thinks that the most successful marriages are those ones based on marriage contracts.		
3	The interviewee thinks that marriage for love is the strongest one.		

2. Pronunciation focus

private tuition	family's background	wealthy	an engagement party
chaperone	persuade	actually	

With a partner practice saying the following words and mark the stressed syllable.

3. Language focus

3.1. Listen to the conversation and answer the questions.

1. What was Pratima doing when her father was arranging her marriage?
2. How did Pratima's father find the two men?
3. What did he want to find out about them?
4. What were the similarities and differences between the two men?
5. Why did her father choose Shyam and not the first man?
6. What was Shyam's attitude towards the procedure of being chosen as a candidate for marriage?
7. What happened between the time of the interview and the wedding?
8. What is Pratima's belief in arranged marriages? Why?

3.2. Match the words in A with the words in B to make collocations as they were used in the conversation.

A	B
1 private	a) background
2 family	b) dressed
3 well	c) tuition
4 badly	d) arranged marriages
5 difficult	e) educated
6 the system of	f) to persuade

4. Grammar focus

Identify the forms and meanings of contractions

1. No, I'd left school but I was having private tuition at home, to prepare me for some exams.
2. But we - you know – Shyam and me – used to be on the phone every day and we'd meet regularly but always we had to have a chaperone.
3. He's been asking families for some time already.

5. Information box

Read the passage of information on marriage institution and write the legal terms related to marriage into the box below.

Marriage is an interpersonal relationship with governmental, social, or religious recognition, usually intimate and sexual, and often created as a contract, or through civil process. The most frequently occurring form of marriage unites a man and a woman as husband and wife. Other forms of marriage also exist; for example, polygamy, in which a person takes more than one spouse (marriage partner), is common in many societies. Beginning in 2001, civil marriage has been expanded to include same-sex marriage in some jurisdictions.

A pragmatic (or '**arranged**') **marriage** is facilitated by formal procedures of family or group politics. A responsible authority sets up or encourages the marriage; they may, indeed, engage a professional matchmaker to find a suitable spouse for an unmarried person. The authority figure could be parents, family, a religious official, or a group consensus.

It is worth noting that in the case of arranged marriage, there is ample opportunity for the authority figure to make matches which are suboptimal from the point of view of promoting a harmonious family but serve other less noble purposes. Some of the most popular (mis)uses of arranged marriage are for dowry or immigration.

Though now a rarity in Western countries, arranged marriages in countries such as India are widely prevalent even today. In illiterate villages, marriage of a child often has much to do with family property; parents adopt the practice of child marriage and arrange the wedding sometimes even before the child is born (though this practice was made illegal by Child Marriage Restraint Act of the Indian Government). In urban India, people use thriving institutions known as Marriage Bureaus or a Matrimonial Sites, where candidates register themselves for a small fee. A related form of pragmatic marriage, sometimes called a marriage of convenience, involves immigration laws. According to one publisher of information about "green card" marriages, "Every year over 450,000 thousand United States citizens marry foreign-born individuals and petition for them to obtain a permanent residency (Green Card) in the United States."

6. Build your own legal vocabulary

8. Follow-up

1. *Do you think arranged marriages are more positive or negative phenomena of modern society? Work in groups and make a list of advantages and disadvantages of arranged marriages.*
2. *How are marriage contracts related to arranged marriages?*

15. A DIVORCE LAWYER

1. Pre-listening focus

Before listening answer the following questions.

1. What is a divorce from the legal point of view?
2. What is the difference between divorce and separation?
3. Why do spouses (i.e. husband or wife) decide to divorce each other?
What are the most common reasons for divorce?
4. How does divorce affect the people and their children?
5. What is the situation concerning divorce in different countries? In Lithuania?

2. Pronunciation focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

divorce proceedings	adultery	mature	spiritually
intolerable	tangible	divorcee	irretrievable breakdown
tense	relief		client

3. Language focus

3.1. Match the words with their definitions.

1. proceedings	a) agreement between a man and his wife to live apart from each other
2. adultery	b) liking old and established ways, not liking change
3. symptom	c) which is too difficult or painful to be borne; unbearable
4. mature	d) legal action or lawsuit
5. spiritual	e) a person whose marriage has ended in divorce

6. conservative	f) concerned with one's own advantage without care for others
7. intolerable	g) feeling of comfort at the ending of anxiety or pain
8. divorcee	h) an outward sign of a usually bad or undesirable condition
9. separation	i) sexual intercourse by consent between a married person and someone of the opposite sex who is not that person's spouse
10. irretrievable	j) of the mind rather than the body
11. tense	k) having a fully developed mind, sensible and reasonable
12. relief	l) having or showing nervous anxiety
13. selfish	m) which cannot be brought back to its former state

3.2. Listen and tick the reasons for divorce which Mrs Simpson, a divorce lawyer, mentions in the interview.

- 1) flowers are not watered properly by spouses
- 2) wives do not develop with their husbands spiritually
- 3) women became more mature
- 4) some couples are not well-off
- 5) children ask their parents to divorce
- 6) the spouses have grown apart with time
- 7) some couples do not try to sort out their own problems
- 8) some husbands by nature are very conservative
- 9) couples have the courage to bring an end to an intolerable situation
- 10) some men are growing away, e.g. because of business

3.3. Listen again and complete the sentences.

1. Mrs Simpson thinks that adultery is of divorce.
2. People by nature are
3. Many people put up with circumstances for years.

4. The lawyer compares efforts to be invested in marriages with
5. People should think long and hard about what went wrong with that marriage and later avoid
6. Divorces most painfully affect
7. Mrs Simpson thinks that the only reason required for divorce should be
8. Children are a very good reason for
9. The divorce lawyer has to deal with the people who hate each other or
10. Does Mrs Simpson enjoy her job? She says that sometimes she finds it depressing but she has to

4. Build your own legal vocabulary

5. Information box

Once you have filled in a petition, which you can get from a solicitor, some stationers, or the HM Courts Service website, take it to a divorce county court or to the Principal Registry of the Family Division in London.

On the form you'll have to explain why you want a divorce. You cannot start divorce proceedings unless you have been married for one year.

Under English law, the only basis of divorce is irretrievable breakdown of marriage. This is proved by one of five grounds:

- (a) *adultery;*
- (b) *unreasonable behaviour;*
- (c) *one of the parties has deserted the other for a period of two years;*
- (d) *the parties have lived apart for five years and agreed to divorce;*
- (e) *the parties have lived apart for five years.*

In the context of divorce proceedings the court has wide powers to make orders regarding custody and care and control of children, and ancillary relief. Divorce proceedings are normally dealt with by the County Court, or in London at the Divorce Registry. Where divorce proceedings are defended, they are transferred to the High Court, but this is rare and most divorce cases are now conducted by what is called the 'special procedure'.

You do not have to use a solicitor; many couples get divorced without consulting a solicitor. But you may need legal advice if you are not sure whether you have grounds for a divorce, or if your husband or wife does not agree to a divorce, or if you have children. You may also need legal advice about financial issues, even if you agree on how to divide up your property and finances. The process of sorting out the financial aspect of the divorce is known as 'ancillary relief'. It is not the case that property is automatically divided in a 50/50 split. If you do go to court the judge will consider a number of factors when deciding who should get what, but the needs of any children will always be the main consideration.

6. Follow-up

The following paragraphs are not in the correct order. What do you think are the stages in the divorce procedure? Try to put the paragraphs in the correct order.

THE MAIN STAGES OF DIVORCE

a) The next and most important part of the divorce process is known as 'the Decree Nisi'. This is the first stage of the actual divorce. It is granted only when a judge has reviewed all of the papers and is satisfied that there are proper grounds for a divorce. The judge will also check that all financial issues and arrangements for the children have been agreed or are in the process of being resolved. You may be required to attend court, but many divorces happen entirely by post.

b) The courts will then post a copy of the petition to your husband or wife and any co-respondents named in your divorce petition. This is known as 'serving the petition'.

c) Once you return your petition to the divorce county court you have started the divorce process. From now on you are legally known as

'the petitioner'. Your husband or wife who you are divorcing is legally known as 'the respondent.'

d) Your husband or wife then has eight days to acknowledge receipt of the petition. If they don't do this, the court will contact you and ask for more details and, if necessary, arrange for a court official - known as a bailiff - to serve the petition in person.

e) You will need to supply copies of your marriage certificate, details of any children involved and also the name and address of any person with whom your husband or wife has committed adultery if you wish to name them in the divorce proceedings as grounds for the divorce. They are known as 'the co-respondent'.

f) Once the petition has been served, what happens next depends upon whether or not your husband or wife contests the divorce or agrees to it. You may be asked to provide more information by the court. If you have children then the court must examine and agree with arrangements made for the children (eg who they are going to live with, where they are going to live, what contact they will have with the non-resident parent) before the divorce is granted.

1	2	3	4	5	6

16. CHARITY APPEALS

1. Pre-listening focus

Before listening answer the following questions.

1. How do you understand charity?
2. Which law does charity refer to?
3. What purposes must an organization work for in order to be considered a charity?
4. What examples of charity can you give?

2. Pronunciation focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

a Noble Prize – winning organization	conscience	publicizing
conservation	endangered species	wildlife reserves
environment	refugees	appreciated

3. Language focus

3.1 Listen to information about three charities and answer the following questions.

	Who or what does the charity try to help?	How does the charity help?
Amnesty International		
WWF		
Crisis Now		

3.2 Listen to the recording once again and insert the missing information in the sentences below.

Amnesty International is a Noble Prize-winning organization that works to(1) around the world. It is independent(2) or(3) and has over a million members in 162 countries. Amnesty International works to free all(4) anywhere in the world. These are people who are in prison because of their , , ,(5), or religion. Amnesty International tries to help these prisoners in two ways: first,(6) and, second, by(7) to practice human rights.

WWF is(8) wild animals around the world and the places where these animals live. WWF directs its(9) towards three global goals. ... it works to(10) to our environment, such as pollution and climate change.

Drought and(11) have come to Africa again this year,(12) are pouring from the countryside into towns in their(13) for food, and it has been estimated that over 1,000 people are dying every day. We are supplying towns and camps with food and(14), but our efforts are drops in the ocean.

3.3 Match the word with the corresponding definition.

1. support	a) to approve of an idea or a person or organization and help them to be successful
2. conscience	b) a serious lack of food that continues for a long time and causes many people in a country to become ill or die
3. dedicated	c) an amount or quantity of something that is available to use
4. endangered species	d) someone who leaves their country, especially during a war or other threatening event
5. drought	e) the ideas and feelings you have that tell you whether something you are doing is right or wrong:
6. famine	f) made or used for just one purpose
7. refugee	g) a long period of time when there is little or no rain and crops die
8. supply	h) a type of animal or plant that may soon become EXTINCT (=disappear from the world)

4. Information Box

Charitable trusts are created to further a purpose that will benefit society at large or an appreciable part of it. In this sense, a purpose is charitable only if it is for the furtherance of religion, for the advancement of education, for the relief of poverty, or other purposes beneficial to the community.

The greatest benefit to charitable trust is that it has fiscal advantages: a charity is either wholly or partially exempt from income tax, corporation tax, capital gains tax, inheritance tax and council tax.

“REPUBLIC OF LITHUANIA LAW ON CHARITY AND SPONSORSHIP

Article 1. Purpose of the Law

This Law shall establish the allocation and reception of charity and sponsorship, objectives of the allocation and reception thereof, dispensers and donees, supervision and accounting of the dispensing and reception, when the donors and or (donees) shall make use of the reliefs in taxes and customs duties.

Article 2. Concept of Charity and Sponsorship

1) Charity is the voluntary and non-compensated dispensing of charity goods by donors of charity to the donees of charity, stipulated in this Law in accordance with the objectives and measures established by this Law.

2) Sponsorship is the voluntary and non-compensated dispensing of sponsorship objects, except for the obligations of a donee allowed in Article 8 of this Law, dispensing of sponsorship objects to the donees of sponsorship according to the goals and means indicated in this Law, including those instances when the objects of sponsorship are dispensed anonymously or in another fashion, when a specific dispenser of sponsorship can not be determined.

Article 6. Donees of Charity

1. The following may become the donees of charity:

- 1) the handicapped (disabled);
- 2) the individuals who are ill;
- 3) the children who are orphaned and left without parental care;
- 4) the pensioners who are unemployed and have no other means of income, besides pensions or other social payments;
- 5) the unemployed;
- 6) the persons, who according to the procedure established by the laws of the Republic of Lithuania, have been recognised as having the status of victims;
- 7) the families (persons), whose incomes fail to meet their minimum socially-acceptable requirements, the extent whereof shall be established by the municipal governments;
- 8) the persons, who have been recognised as being the victims of war, natural catastrophes, fires, ecological catastrophes, epidemics, and outbreaks of infectious diseases, in accordance with the procedure established by municipalities.

2. The persons indicated in paragraph 1 of this Article shall be recognised as such in accordance with the individual laws and legal acts.

17. CORPORATIONS

1. Pre-listening focus

Before listening answer the following questions.

1. What is a corporation? A partnership?
2. Are the activities of corporations regulated by law?
3. What problems related to corporations might arise?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable.

corporation	partnership	business	liability	manufacturing
registered agent	rental house	share	director	
	president	alternate		

3. Language focus

3.1 Match the words with their definitions.

1. corporation	a) unregistered business where two or more people share the risks and profits equally
2. partnership	b) to stop something from going beyond a certain point
3. business	c) to make or produce, esp. by machinery or other industrial processes and usu. in large quantities
4. to limit	d) to write something in an official list or record
5. liability	e) money paid to use a house for a period of time
6. to manufacture	f) rather dangerous; having a high degree of possibility that something undesirable may happen
7. to register	g) person appointed by the shareholders to manage a company

8. rental	h) head of a department or company
9. share	i) any large company, or legal body (such as a limited company) which has been incorporated
10. director	j) to follow by turns
11. president	k) one of many parts into which a company's capital is divide, owned by shareholders
12. to alternate	l) work of buying and selling
13. risky	m) being legally responsible for paying for damage or loss

3.2 Listen to two friends, Bill Waffan and Tom Gunnery, discussing their new business and answer the following questions.

1. What kind of business do the friends want to go into?

.....

.....

2. Why do they prefer to use a corporation instead of a partnership?

.....

.....

3. Why do they want to put their factory in Cameron County?

.....

.....

4. When are they aiming to open their factory?

.....

.....

5. Where will their office be located?

.....

.....

6. How many shares do they need in the beginning?

.....

.....

7. Who will be president of their corporation?

.....

.....

8. How long is their corporation going to last?

.....

.....

3.3. Predict which words are missing in the following extracts of the conversation. Listen again and check the words.

- W** I think we should use a instead of a for our business. We need to limit our
- G** You're right. and selling guns could be
- G** How many do you think we need at first? Let's keep it simple.
- W** How about shares at a dollar each?
- G** Do we need or something? And officers?
- W** Well, we can both be directors. We can decide later who's Maybe we can every other year.

4. Build your own vocabulary.

5. Information box

Corporation is an association of shareholders (or even a single shareholder) created under law and regarded as a legal person by courts. A corporation is a legal entity entirely separate and distinct from individuals who compose it, with the capacity of continuous existence or succession. It has the capacity as such legal entity of taking, holding and conveying property, suing and being sued, and it exercises such powers as may be conferred on it by law, just as a natural person may.

A corporation's liability is normally limited to its assets and the shareholders are thus protected against personal liability in connection with the affairs of the corporation. The corporation is taxed at a special corporate tax rates and the shareholders must pay an additional tax upon dividends or other profits obtained from the corporation.

Antitrust law is aimed at promoting free competition in the marketplace. Any agreement or cooperative effort or intent by two or more entities that affects or restrains, or is likely to affect or restrain their competitors, is illegal under this law.

6. Follow-up

Fill in the gaps with the appropriate words from the box to complete the text.

legal takeover	company competition	shares mergers	shareholder and acquisitions	entity protection
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MERGER AND ACQUISITION

• Mergers and acquisitions

The phrase (1) refers to the aspect of corporate finance strategy and management dealing with the merging and acquiring of different companies as well as other assets. Usually mergers occur in a friendly setting where executives from the respective companies participate in a due diligence process to ensure a successful combination of all parts.

On other occasions, acquisitions can happen through a hostile (2) by purchasing the majority of outstanding (3) of a company in the open market. In the United States, business laws vary from state to state whereby some companies have limited (4) against hostile takeovers. One form of protection against a hostile takeover is the (5) rights plan, otherwise known as the "poison pill".

Historically, mergers have often failed to add significantly to the value of the acquiring firm's shares. Corporate mergers may be aimed at reducing market (6), cutting costs (for example, laying off employees), reducing taxes, removing management, "empire building" by the acquiring managers, or other purposes which may not be consistent with public policy or public welfare. Thus they can be heavily regulated, requiring, for example, approval in the US by both the Federal Trade Commission and the Department of Justice.

Technically, what differentiates a merger from an acquisition is how it is financed. Various methods of financing a merger and acquisition deal exist:

• Merger

A "merger" or "merger of equals" is often financed by an all stock deal (a stock swap). An all stock deal occurs when all of the owners of the outstanding stock of either company get the same amount (in value) of stock in the new combined (7). The terms "demerger,"

"spin-off" or "spin-out" are sometimes used to indicate the effective opposite of a merger, where one company splits into two, the second often being a separately listed stock company if the parent was a stock company. Merger is a (8) process and one or more of the companies lose their identity.

- **Acquisition**

An acquisition (of un-equals, one large buying one small) can involve a cash and debt combination, or just cash, or a combination of cash and stock of the purchasing (9), or just stock. In addition, the acquisition can take the form of a purchase of the stock or other equity interests of the target entity, or the acquisition of all or substantially of its assets.

18. PRISON SYSTEM

1. Pre-listening focus

Before listening read through statements below. Which do you agree or disagree with. Justify your views.

		Agree	Disagree
1.	A prison sentence reforms most criminals.		
2.	There are too many people in prisons.		
3.	Jails run for profit have better record in terms of reforming prisoners.		
4.	Young people who commit minor offences should only be cautioned.		
5.	Prisoners should be educated and trained rather than punished.		
6.	Convicted criminals should pay compensation to their victims.		
7.	Life in modern prisons is not hard enough.		
8.	Released prisoners should have to wear electronic tags.		
9.	Some people should never be released from prisons.		
10.	Prisoners should go to prisons near their family and friends.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

dependant	misbehaviour	conclusively	imprisonment
	convict (v)	convict (n)	
atrocious	record	presumption	inevitably
	alternative	innocence	racism
innocent	civilized	career	curfew
opposition	probation	teething	tolerance
			community
			overcrowding

3. Language focus

3.1. *These words will occur in the listening task. Explain them using dictionaries.*

Word	Explanation
1. to lock up	
2. dependant	
3. to call for	
4. bullying	
5. atrocious	
6. teething troubles	
7. the presumption of innocence	
8. to remain in custody	
9. curfew	
10. innocent	
11. convict(n), (v)	
12. re-offend	

3.2. *Listen to the recording and in the boxes complete the notes which summarise what the speakers say.*

1. The defenders of unjust and cruel system say that	
2. Jailing youngsters for lesser crimes is a mistake and	
3. Life imprisonment means	
4. People call for more prisons but	

5. Privately-run prisons have	
6. It is wrong that innocent people are imprisoned	
7. Prisoners should earn quite good wages so that	
8. We must make jails less unpleasant places. This would include	
9. Constructive alternatives are more effective	
10. The current prison system is a failure and	

3.3. Listen to the recording again. Do the speakers always disagree with each other, or there some points which they agree on?

3.4. Match the punishments with the corresponding definition.

Punishment	Definition
1. electronic tagging	a) offenders are allowed to go unpunished for their first offence while they continue to live without further breaking of the law
2. life imprisonment	b) the potential by using a label on the wrist for electronic monitoring of the offenders who present continuing threat to the public or after their release from prison
3. community service	c) offenders have to do socially useful work
4. caution	d) offenders are sent to prison for life
5. probation	e) offenders pay the sum of money and allowed to stay free until they come to court
6. bail	f) offenders pay for loss, injury or damage
7. compensation	g) offenders are given a warning usually for minor offences

3.5. Do you know of any other forms of punishments?

3.6. These phrases with collocations occurred in the listening task. Fill in the correct word(s) from the list below.

vital	hardened	to commit	reasonably
	institutional racism/violence		
kept/held	to pay/compensate	fortune	ex-prisoners
probation/community service		to line	record
	custody	profit	

1. to turn into..... criminals
2. serious/minor/petty offences
3. it costs a.....
4. jails run for.....
5. are back in court
6. to remain in..... for the rest of their lives
7.well- paid work
8. to afford/.....their victims

9. links with the outside are.....
10. to combat evils such as...../
11. constructive alternatives like...../.....are far more effecting
12. accused people/prisoners are...../.....in prisons/remotes parts of the country
13.their own pockets
14. private prisons have worse.....in terms of reforming criminals

4. Build your own legal vocabulary

5. Roundup

Speak about the prison system in Lithuania. Share the ideas with your partner.

19. THE US COURT SYSTEM

1. Pre-listening focus

Before listening predict if the statements are true or false.

		True	False
1.	There are two separate court systems in the US: the federal and the state.		
2.	The US Constitution is the world's oldest unwritten constitution.		
3.	Probate courts handle cases involving juveniles and family offences.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

circuit	procedure	probate	specialized	custody
violation	violator	individuals	affordable	
	intermediate	interpretation	offence	
supreme	juvenile	vehicle	municipal	

3. Language focus

3.1. Work in pairs. Find the Lithuanian equivalents and explain the meaning of the words and phrases in English.

English	Lithuanian
1. to handle cases	
2. child custody	
3. to lose a trial	
4. domestic relations courts	
5. to bring cases to the court	
6. to die with a will	

7. trial courts	
8. claim courts	
9. juvenile courts	
10. probate courts	
11. intermediate courts of appeal	
12. circuit courts of appeal	

3.2. You will hear an American lawyer providing basic information on the court structure in the US. As you listen, fill in the table with the missing types of courts he mentions. Listen to the text again and take notes on the courts functions.

Courts	Functions
1. Federal courts	
2.	
3.	
4. Trial courts of the states (called as county or municipal courts)	
5. Specialized courts:	
5.1.	
5.2.	
5.3.	
5.4.	
5.5.	
6. Courts of appeals	
7.	
8.	

6. Information box

The Constitution of the United States is the world's oldest written constitution. It was reduced to writing in 1787 and the document which comprises it (as subsequently amended) lays down the fundamental law of America today. U.S. Constitution can not be altered easily; a constitutional amendment can only be carried if a very substantial majority, both in Congress and in the individual States, approves it.

An appeal is the transfer of a case from a lower court to a higher court for a new hearing in order to reverse the decision made by the lower court.

7. Follow-up

Read the sections on the court structure in the US. Match the jumbled headings with the corresponding paragraph. There are more headings than necessary.

The Supreme Court
Relevant provisions in the Constitution
Law in Americans' life
Trial courts
Federal courts
Types of courts in the US system

1.

Americans' claims for justice rest on the provisions of the US Constitution. Most of the rights and freedoms that Americans enjoy are guaranteed in the first ten amendments or "Bill of Rights" of the Constitution. The Constitution, written in 1787, established a separate judicial branch of government which operates independently alongside the executive and legislative branches. Within the judicial branch, authority is divided between state and federal (national) courts. At the head of the judicial branch is the Supreme Court, the final interpreter of the Constitution, which consists of nine justices and has jurisdiction over all other courts in nation.

The Constitution recognizes that the states have certain rights and authorities beyond the power of the federal government. States have the power to establish their own system of criminal and civil courts, with the result that each state has its own laws, prisons, police force and state courts.

2.

The separate system of federal courts which operate alongside the state courts, handles cases which arise under the US Constitution or under any law or treaty, as well as any controversy to which the federal government is itself a party. Federal courts also hear disputes involving governments or citizens of different states. All federal judges are appointed for life. A case which falls within federal jurisdiction is heard before a federal district judge. An appeal may be made to the Circuit Court of Appeals and, possibly to the US Supreme Court.

3.

There are two types of courts in the US: trial and appeals. Trial courts listen to testimony, consider evidence, and decide the facts in disputed situations. In any trial there are two parties to each case. In a civil trial, the party initiating the legal actions is called the plaintiff. In a criminal trial, the government (state or federal) initiates the case and serves as a prosecutor. In both civil and criminal trials, the party responding to the plaintiff or prosecution, as the case may be, is called the defendant. Once a trial court has made the decision, the losing party may be able to appeal the decision to an appellate, or appeals, court.

8. Build your own legal vocabulary

9. Roundup

Prepare a mini-presentation on the present Lithuanian court system.

20. AN INTERVIEW WITH THE SUPREME COURT JUSTICE

1. Pre-listening focus

Before listening predict if the statements are true or false.

		True	False
1.	The Courts function is nothing else than to be an arbiter among rival forces.		
2.	The process of making decisions in court is affected by the public opinion.		
3.	People write to judges expressing their opinions on the decisions made in court.		
4.	The legal procedure is changing in response to the necessities of the time.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

arbiter	authority	voluntarily	reprimand	manipulation
felony	layman	doctrine	affected	impact
		entitled	defendant	

3. Language focus

3.1. Match the legal terminology in the left column with the definitions provided on the right.

1. to uphold a decision	a) to put or keep in force; to compel obedience
2. to lay down	b) an authoritative decision, as one by judge, on a debated point of law
3. to enforce (rules)	c) to support or defend, as against opposition or criticism
4. to reprimand	d) in conformity with; in agreement with
5. felony	e) to assert firmly; to state authoritatively
6. court ruling	f) a person appointed by two parties to settle a dispute
7. in keeping with	g) to reprove sth severely and officially
8. to serve on the bench	h) non-professional; not expert of the law
9. layman	i) crimes of graver character than those called misdemeanours, especially those commonly punished in the US by imprisonment for more than one year
10. arbiter	j) the period during which a justice performs his functions

3.2. Listen to the conversation and in the boxes answer the questions which summarise what the speaker says.

1. What is the role of the Supreme Court in the political system of the country?	
--	--

2. What is the role of the Congress and the President ?	
---	--

3. Can any public clamour on the Court be effective?	
--	--

4. How much does the time affect the decisions of the Court?	
5. What did Griffin want in the criminal case <i>Griffin v Illinois</i> ?	
6. Have the rights of everyone accused of a crime been expanded?	©

3.3. Fill in the correct words from the list below to make word partnerships.
Use the word only once.

to be accused	constitutional	to follow	
to be charged with	to bring into	to uphold	public
to be entitled to	rival	to exercise	
to be composed	to appeal to		

1. authority
2. decisions
3. of people
4. a higher court
5. Doctrine
6. forces
7. clamour and manipulation
8. murder
9. of a crime
10. a transcript and a lawyer
11. the process
12. the rules

4. Useful language

How do you see	I doubt if any	influenced by
Now, as you can see		I wonder, why
You should remember		Let's start
possibly		quite a few

5. Grammar focus

Complete the sentences using the verbs in bold in the correct form.

1. The Watergate case was a good example of the Supreme Court's responsibility to decide whether or not Congress or the president (**exercise**) authority in a constitutional way.
2. In an old case, before I became a justice, the Court (**rule**) that only in felony cases could a lawyer be appointed.
3. I ought (**be**) entitled to read the transcript.
4. When they came to us, on the Supreme Court, with their appeal, we (**rule**) that defendants are entitled to a transcript.

6. Build your own legal vocabulary

7. Roundup

Make an interview with the judge of the Supreme Court of Lithuania on the Lithuanian legal system.

21. AN INTERVIEW ON ATTITUDES TO THE COURTS IN BRITAIN

1. Pre-listening focus

Before listening predict if the statements are true or false.

		True	False
1.	Most people have confidence in the judicial system.		
2.	Few people make the distinction between civil and criminal courts.		
3.	The legal system works better for the rich than for the poor.		
4.	The media is important in shaping the public's opinion about judges.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

confident	confidence	perceive	perception	sociological	unaffordable
unaffordability	irrespective	consistently	inconsistent	exhumed	
ignorance	instinctive	respondent	fundamental	representative	

3. Language focus

3.1. Listen to the conversation and in the boxes answer the questions using the main information.

1. What did the survey explore?	
2. How was the study carried out?	

3. What does the study reveal?	
4. Why do people have so little faith in the courts?	
5. Where does the people's concern about the lawyers' fees come from?	
6. Who can afford high quality legal advice?	
7. What is the people's common perception of judges?	
8. What is the public's image of going to courts?	
9. Did all respondents have some experience of the judicial system?	
10. What should be done to improve the awareness of different aspects of the legal system?	

3.2. *How many word partnerships can you form by combining the two lists below?*

civil	advice
legal	court
criminal	proceedings
judicial	service
court	rights
to go to	system
to defend	structure
to enforce	

3.3. Complete the following sentences with some of the word partnerships you have formed in 3.2.

1. Solicitors offer to clients.
2. People are often reluctant to initiate
3. The role of is to protect citizens from wrongdoers.
4. People often associate..... with being tried for a crime.
5. Many people associate..... with being tried for a crime.

3.4. Find a word or phrase from the provided definitions.

1. Something which is very important
c.....
2. Charges that are neither more or less than seems right or acceptable
r.....
3. Legal actions in court dealing with private rights of citizens
c..... c..... p.....
4. The state of knowing little or nothing
i.....
5. The perception influenced by media
m.....-i.....
6. Starting the criminal action in court
i..... c..... c.....
7. The trial of a case before a judge without a jury
h.....
8. The British lawyer who prepares legal documents, advises on legal matters
s.....

3.5. Insert the necessary preposition into the gaps.

1. to be sentenced..... a crime
2. to appear..... a judge
3. attitudes..... the legal system
4. judges touch

- 5. to carry the study
- 6. two three respondents
- 7. to be fundamental..... citizenship
- 8. to derive hands-on experience
- 9. an influence..... people
- 10. little faith..... courts
- 11. to account..... the widespread view

4. Useful language

So, for a start it brings me to In fact, only it would be interesting to mention By all means	Let me first thank you as for your other questions If you ask me, I'd certainly fully agree with you it aimed to
---	--

5. Grammar focus

Complete the sentences using the verbs in bold in the correct form.

1. The media play an important part in (**shape**) the public's opinion.
2. The study revealed a perception of judges as prone to (**make**) insensitive comments.
3. The crucial role the courts have to play in (**protect**) citizens and (**enforce**) rights.
4. Am I right in (**say**) that they are not particularly encouraging?
5. Most people associate going to court with the idea of (**be**) tried and sentenced.
6. Thank you very much for (**share**) with us the findings of your study.

6. Follow-up

Jim Bradley is being held suspect in armed robbery case. He didn't actually take part in it, but he doesn't have an alibi. There are some of his fears and worries below. Make sentences starting like this:

He's worried about.....

He's afraid of.....

- I may have to appear before a judge.
- I may not get a fair hearing.
- They may send me to prison.
- They may sentence me for something I didn't do.
- The solicitor may charge me more than I can afford.
- The judge may not be impartial.

7. Information box

Civil Courts in England and Wales

As the English legal system has evolved mainly through case law, in the structure of the courts inferior courts are bound by the decisions made by the High Court. Similarly, the High Court is generally bound by the decisions made by the Court of Appeal and the House of Lords. The court which deals with a case for the first time, as apposed to a court where the case goes on by way of appeal, is known as **the court of first instance**.

The County Court

Each district in England and Wales has its own county court and a District judge is responsible for his own court. The judges are always professionals. A large number of cases are conducted in the County Courts, including personal injuries, debt, racial and sexual discrimination, certain divorce cases, bankruptcy. Cases involving larger amounts of money are heard by one of the divisions of the High Court.

The Magistrates' Court

Certain civil cases (e.g. failure to pay income tax, VAT, or council tax; the licensing of clubs and pubs, a variety of family cases) and some minor criminal cases are heard here. The Magistrates' Courts are local courts where cases are heard by a panel of **Magistrates or Justices of the Peace**. They are unpaid, but receive some training. The magistrates can either pass sentence themselves, or if they think it merits a more severe sentence than they can pass the case on to the Crown Court for sentencing.

The Crown Court

The Crown Court hears all major criminal cases as well as appeals from the Magistrates' courts. The function of the judge is to sum up the facts of the case and explain the relevant law to the jurors. The jury considers the verdict. This should be unanimous but, if that proves impossible, the judge may allow a majority verdict, with which at least ten of the twelve must agree.

Appeals from the Crown Court go first to the High Court, in special cases, to the Court of Appeal.

The High Court

The High Court consists of three divisions:

- a) Chancery Division, which deals with matters such as trusts and disputes about the ownership of land, contested wills, bankruptcies and also includes the Companies Court and the Patents Court.
- b) Family Division, which deals with family matters such as some defended divorce cases, legitimacy, and adoption.
- c) The Queen's Bench Division, the most used division of the High Court, which deals with matters that are not specifically allocated to the other divisions (e.g. contract and tort). The cases concerned defamation are heard here. It also handles serious compensation claims and judicial review. This division considers appeals from lower criminal courts as well as civil matters.

Appeals from the High Court, and most appeals from the County Courts, go to **the Court of Appeal**.

The House of Lords

The House of Lords is the upper house of Parliament. It is also the highest and final court of appeal for both civil and criminal cases, although by tradition this function is only carried by the eleven Law Lords. They are awarded peerages who are the most eminent lawyers in the land.

8. Build your own legal vocabulary

9. Roundup

Give your own opinion.

- 9.1. *What would people in Lithuania say if they were interviewed for a similar survey?*
- 9.2. *How would you answer the question: “Do you trust our legal system?”*
- 9.3. *Does being a lawyer attract you as a career? Which aspects of a lawyer’s work appeal and which do not? Why?*
- 9.4. *What is the difference between a lawyer, a public prosecutor and a judge?*
- 9.5. *Do you know many women lawyers? Who are better lawyers - male or female?*

22. SUPER-TERRORISM

1. Pre-listening focus

Before listening predict if the statements are true or false.

		True	False
1.	“Suicide terrorism” has risen dramatically.		
2.	The advancement of technology doesn’t suit the purposes of terrorism.		
3.	Terrorism is the crime against humanity.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

terrorism	terrorists	assassination	access	implausible	reservoir
	hijacking	experiment	contamination	devastation	
	devastating	pulmonary	evacuate		
	anthrax	fanatics	temporary	surveillance	
	intimidation	intimidate	radioactive		

3. Listening focus

3.1. These words will occur in the listening task on terrorism. Explain them using bilingual dictionaries.

Word	Explanation
1. small-scale	
2. to access	
3. to blow up	
4. contamination	
5. breeze	
6. fatal	
7. spokesman	

8. pulmonary anthrax	
9. exposed	
10. intimidation	
11. to evacuate	
12. deadly	

3.2. The statements below are part of the taped presentation. Fill in the correct word from the list below. There are more words than necessary. Use hints in the bracket.

intimidating	issue	prospect	assassination	emergency
ensued	victims	contamination	implausible	
	surveillance	devastating		

- The days when terrorism involved bombing and
(**murder for political reasons**) could be over.
- The possibility of water supplies being poisoned is.....
(**difficult to believe**).
- The effects of biological warfare are potentially
(**extremely damaging**).
- The highly radioactive core melts under intense heat causing widespread nuclear..... (**pollution**).
- Hijacking a passenger jet and crashing it into a nuclear power plant is an alarming..... (**possibility**).
- We have carried out intensive work over the last few years to install..... (**observation**) equipment.
- Terrorism works by acting directly on the public through.....
(**scaring**).
- The terrorists could be long gone the time the anthrax symptoms were identified in the..... (**persons suffering injury, pain, loss because of an event**).

3.5. Listen to the recording again and answer the following comprehension questions.

1. What mistaken fears are mentioned in the text?
2. Which are the real fears as far as terrorism is concerned?
3. What measures are taken to avoid terrorism attacks?
4. Why should we not allow ourselves to be intimidated by terrorists?

3.6. Fill in the word(s) from the list. Use the word(s) only once.

anthrax	withstand	sign	detailed	surveillance
result	power station	minimal	intense	deadly
	airborne	focus	minimize	

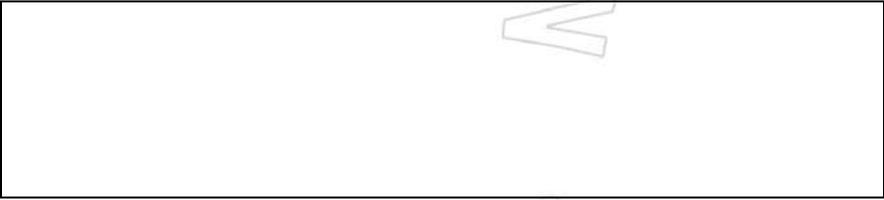
1. a(n)..... study
2. damage
3. a nuclear.....
4. to the impact
5. (a)n..... disease
6. to the risks
7. the first..... of trouble
8. to in death
9. spores
10. gas
11. heat
12. to one's attention on
13. equipment

4. Follow-up

Match the forms of terrorism with the relevant vocabulary.

1. bombing	a) hostages, seize control, ultimatum
2. assassination	b) detonator, suicide bomber, to defuse
3. kidnapping	c) disease, virus, epidemic
4. hijacking	d) rifle, hit man, bodyguard
5. chemical attack	e) ransom, hide-out, abduct
6. biological warfare	f) poisonous gas, toxic fumes

5. Build your own legal vocabulary



6. Roundup

*Discuss the question with your partners.
What do you think can be done to prevent terrorism?*

23. TREATIES ESTABLISHING THE EUROPEAN UNION

1. Pre-listening focus

Before listening predict if the statements are true or false.

		True	False
1.	The EU consists of 15 member states.		
2.	The founding members of the European Community are Italy, France, Belgium, the Netherlands, the United Kingdom.		
3.	The founding treaties could be considered as a Constitution of the European Union.		

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

community	frontiers	amendment	intergovernmental	committee
parliament	democratic	democracy	institutional	authoritative
authoritarian	monetary	mechanism	conference	finalisation
ratification	summit	signatory	incorporating	

3. Language focus

3.1. Fill in the following table with the corresponding noun or verb and explain them.

Verb	Noun
1. to complete	a)
2.	b) amendment
3. to extend	c)

4.	d) accession
5.	e) exemption
6.	f) finalisation
7. to incorporate	g)
8. to enlarge	h)
9. to co-operate	i)
10. to opt	j)

3.2. Listen to the presentation and finish information on treaties establishing the European Union.

<p>1. FOUNDING TREATIES</p>	<p>1. Treaty of Paris 1951 setting up.....</p> <p>2. Treaty of Rome 1957 setting up.....</p> <p>3. Treaty of Rome 1957 setting up.....</p>
<p>2. TREATIES OF ACCESSION</p>	<p>1. 1973.....</p> <p>2.Greece</p> <p>3. 1986.....</p> <p>4. 1995.....</p>
<p>3. AMENDING TREATIES</p>	<p>1. 1986 Single European Act</p> <p>2. 1993.....</p> <p>3.Amsterdam Treaty (ToA)</p>

3.3. Here are the abbreviations used in the presentation. What do they stand for?

1. EEC	a)
2. ECSC	b)
3. SEA	c)
4. TEU	d)
5. ToA	e)
6. EURATOM	f)

3.4. Read a part of the recording about the treaties establishing the EU and insert the missing information in the sentences below.

amendments	ratification	framework
	opted out	exemptions
finalisation	monetary	relax

The Maastricht Treaty provided for both political and 1)..... Union. The United Kingdom 2).....of the Monetary Union and the agreement on Social Policy. The changes introduced by the Maastricht Treaty were reviewed in an Intergovernmental Conference leading to the 3).....of the Amsterdam Treaty in June 1997. 4).....by all member states was completed on May 1, 1999, when the Treaty 5)..... came into force.

By Schengen Agreement, participating states agreed to 6)..... border formalities on the movement of people. The United Kingdom and Ireland have opted out of Schengen, and Denmark has obtained various 7)..... . The Schengen 8)..... was incorporated into EU law by way of a protocol to the Amsterdam Treaty.

3.5. In the presentation you have listened, the lecturer used various expressions to guide the listeners to the stages and content of his talk. Look at the phrases listed below and introduce them in the right box in the table. Add some additional phrases from the language of presentations you know.

My presentation focuses on.....
As you probably recall.....

I am going to talk about.....
 I would welcome comments.....
 First of all.....
 This brings us to.....
 Before we move on to.....
 To sum up.....
 I would like to mention.....
 Before concluding.....
 Let's turn now.....

Opening	Giving outline of presentation and sequencing	Turning to a new stage	Summarising and concluding

4. Information box

Supremacy of Community Law

“By contrast with ordinary treaties, the EEC Treaty has created its own legal system which.....has become an integral part of the legal systems of the Member States and which their courts are bound to apply. By creating a Community of unlimited duration, having its own institutions, its own personality, its own legal capacity.....and real powers stemming from a limitation of sovereignty or a transfer of powers from the states to the Community, the member States have limited their sovereign rights.....”
 (From: EU Law in a Nutshell, Sweet and Maxwell 1997).

5. Build your own legal vocabulary

6. Roundup

Discussion

- 6.1. Which countries are present members of the European Union?
- 6.2. How does the European Community law affect the Lithuanian legal system?

24. NEWSDESK

1. Pre-listening focus

Before listening answer the following questions.

1. What are the current main news stories in this country?
2. What are the main sources of news for you (television, radio, internet, newspapers) and why?

2. Pronunciation focus

With a partner practice saying the following words and mark the stressed syllable.

Stamp out	fraud	organized crime syndicates	total budget
		employment secretary	
economic recovery		manufacturing sector	in succession
		revenue	curb
an increase	to be harmonized	tax rates	has been launched
		throughout	

3. Language focus

3.1. Match the following words to their definitions.

1. to stamp out	a) to be stopped
2. crime syndicates	b) the crime of obtaining money from someone by tricking them
3. to be frozen	c) period of economic prosperity
4. revenue	d) to put an end to
5. fraud	e) prohibition
6. in succession	f) income from business activities or taxes
7. boom	g) groups of criminals
8. to curb	h) to start a major activity, such as a public investigation, a new program, project or policy
9. to launch	i) to limit
10. ban	j) following one after another

3.1. Listen to the news and write the four topics of the news items.

1.	
2.	
3.	
4.	

3.2. Listen to the news again. Make notes on what the figures refer to.

Item 1

- 1) £1.2 billion 2) 50% 3) £67 billion

Item 2

- 1) 18,900 2) 2.3 million 3) 1988

Item 3

- 1) £ millions 2) 1993 3) 20 years

Item 4

- 1) 70% 2) 4 out of 5 3) 1 out of 5

3.3 Say what you remember about the following

Item 1

- 1) the aim of the new EU rules,
- 2) organized crime syndicates,
- 3) the warning from the European Commission

Item 2

- 1) the Employment Secretary's comment,
- 2) growth in the manufacturing sector,
- 3) the unemployment forecast

Item 3

- 1) the European Commission's position on tax harmonization,
- 2) the consequence of reducing taxes on alcohol and tobacco

Item 4

- 1) the aim of the new campaign,
- 2) the Environment Minister's comment

4. Useful language

Rules aimed at	stamp out fraud	economic recovery
governments under	strong pressure	differences in taxation
	revenue	tax rates
the Single Market	income tax	launch a new campaign
		curb
		ban

5. Grammar focus

Insert the prepositions

The officials met to agree (1) new rules aimed (2) stamping (3) fraud in the European Union.

Figures released by the British government show a fall (4) 18,900 (5) the number (6) unemployed.

European companies call (7) an end to the wide differences (8) taxation between the EU member states.

As the consequence (9) reducing taxes (10) alcohol and tobacco will be an increase (11) income tax.

6. Build your own legal vocabulary

7. Roundup

Discuss your opinions.

1. Is the problem related to fraudulent usage of the EU money urgent in Lithuania? Do you know any cases of fraud in using the EU money in Lithuania?
2. What is the unemployment situation in our country? What is the relationship between the unemployment and migration in Lithuania?
3. What is your opinion on the law banning smoking in public places?

25. AN INTERVIEW WITH MRS. THATCHER

1. Pre-listening focus

Before listening say if the following statements are true or false.

		True	False
1	Margaret Thatcher was the longest continuously serving Prime Minister of the United Kingdom in the 20 th century.		
2	The word "Victorian" is used to describe a person having won a competition or battle.		
3	The word "Victorian" means old-fashioned and with very strict moral attitudes, especially relating to sex, thought to be typical of the Victorian period.		

2. Pronunciation focus

With a partner practice saying the following words and mark the stressed syllable.

a Victorian grandmother	self-reliance	cleanliness
godliness	encompass	perennial values
immense national pride	voluntarily	increasing prosperity
independence	personal initiative	eternal values
		partake
		due respect

3. Language focus

3.1 Listen to an interview with Margaret Thatcher, who was the leader of the Conservative Party in Great Britain and became Britain's first woman prime minister and answer the following questions.

1. What are the Victorian values that Mrs Thatcher admires?
2. What aspects of Victorian time does the interviewer mention?
3. Mrs Thatcher believes in private enterprise, and the not intervention of the state. What examples from Victorian times does she quote that support this view?

4. What are the advantages that Mrs Thatcher sees in home ownership?
5. What, according to the interviewer, it is that the “have-nots” cannot do?

3.2. Match the words in A with the words in B to make collocations as they were used in the conversation.

A	B
1 to live within	a) your community
2 to give a hand	b) a sense of duty
3 tremendous pride in	c) their own actions
4 a good member of	d) your income
5 shocking conditions in	e) other people’s rights
6 brought up with	f) to hand on to your children
7 to take responsibility for	g) your country
8 to respect	h) to buy their own property
9 to have something	i) to your neighbour
10 to have the freedom of choice	j) industry

3.3 Listen to the interview once again and speak about Mrs Thatcher’s attitude, from what she says, towards the following issues.

1. The National Health Service
2. Law and order
3. Borrowing money
4. Unemployment
5. Inflation
6. A man of property
7. Freedom of choice

4. Useful language

Perennial values	eternal values	an immense national pride
	encompass	
the standard of living	prosperity	voluntarily
	partake	a man of property
freedom of choice	to hand on to somebody	with all due respect

5. Grammar focus

Insert prepositions in the extract of the interview.

If you have a chance to own your own house then it gives you an interest 1) the future, it gives you respect 2) your own property, it gives you ability to improve your own standard 3) living and housing, and to respect other people's property, and you'll have something to hand 4) to your children and grandchildren 5) years to come. This is the kind of independence, this is the kind 6) personal initiative and personal choice, which I believe is the kind of independence which is used to belong 7) a few people, which I want to extend 8) the many.

6. Build your own legal vocabulary

7. Information box

The **Victorian era** of the United Kingdom marked the height of the British Industrial Revolution and the apex of the British Empire. Commonly it is used to refer to the period of Queen Victoria's rule between 1837 and 1901. Queen Victoria had the longest reign in British history, and the cultural, political, economic, industrial and scientific changes that occurred during her reign were remarkable. When Victoria ascended to the throne, Britain was essentially agrarian and rural; upon her death, the country was highly industrialised and connected by an expansive railway network.

In British history, a **workhouse** was a place where people who were unable to support themselves could go to live and work. The earliest recorded example of a workhouse dates to 1652 in Exeter although there is some written evidence that workhouses existed before this date. The

workhouse system was the mainstay of poor relief through the Victorian era across the UK. Overall they were places of dread to the labouring and indigent poor. Some reformers revealed that there was widespread poverty in Victorian Britain and that the workhouse system was not helping. The workhouse system underwent several administrative reforms and was abolished on 1st April 1930, being replaced by other social legislation for the unemployed and retired.

8. Follow-up

Discussion

1. What is your opinion of perennial values admired by former Prime Minister Margaret Thatcher?
2. How important are these values in modern society in Lithuania?
3. What is your opinion of the role of “a man of property” in modern society?

26. GENERAL ELECTION

1. Pre-listening focus

Before listening answer the following questions.

1. What types of elections do you know?
2. What is the aim of General elections?
3. Who can be a candidate for the Parliament in Lithuania?

2. Pronunciation focus

With a partner practice saying the following words and mark the stressed syllable.

Constituency	campaign	Conservative Party
tax cuts	economic policies	
healthy economy	government spending on healthcare	
healthcare system	understaffed	inflation
	medical research	
falling unemployment	training schemes	poverty
tackle the problem	reduce government handouts	opposition

3. Language focus

3.1. Match the following words to their definitions.

1 constituency	a) the percentage that an institution such as a bank charges or pays you in interest when you borrow money from it or keep money in an account
2 general election	b) money or goods given by authorities to people who need them:
3 income tax	c) a subject that people discuss or argue about, especially relating to society, politics etc.
4 interest rate	d) to elect someone again

5 policy	e) to try to achieve political or social change by persuading other people or the government to do something
6 government handouts	f) a division of a country that elects a representative to a parliament
7 argument	g) a set of plans or actions agreed on by a government, political party, business, or other group
8 issue	h) a period of time during which a politician or other official holds their job
9 re-elect	i) an angry disagreement between people; quarrel
10 campaign	j) an election in which every adult in the country can vote for the people who will represent them in parliament
11 term	k) a tax based on your income that you pay to the government:

3.2. Listen to the politician talking about future trends and her party's policies if it wins the general election. Tick the mentioned issues.

1. Measures against terrorism
2. Falling unemployment
3. Greater provision for healthcare
4. Lower interest rates
5. Reduction in income tax
6. Lower rate of inflation
7. Reduction in mortgage relief
8. Rising trade surplus
9. More money for foreign aid
10. Closer links with Europe
11. More action on global warming
12. More action on poverty
13. More money on medical research

3.3 Fill in the correct words from the list below to make word partnerships.
Use the word only once.

income	unemployment	government	to lower
to deliver	higher cost	on-going	training schemes
	economic	win	

1. tax cuts
2. general election
3. policies
4. interest rates
5. promises
6. spending
7. of living
8. problem
9. statistics
10. for the unemployed

4. Useful language

I am fully confident	economic policies	delivered our promise
	this country enjoys	
an on-going problem	to tackle the problem	
	reduce government spending	
maintain close links with	we are united in our belief	run out of time

5. Grammar focus

Insert the prepositions.

1. We have Geraldine Faulkes who is the campaign trail the constituency of Liverpool north east.
2. But fact you have reduced spending the poor.
3. There's been a lot of argument the party recently whether we should have closer links Europe in the future.
4. But a close relationship Europe doesn't mean that we will hand government of this country a central European government.

6. Build your own legal vocabulary

7. Information box

In most democratic political systems, there are a range of different types of election, corresponding to different layers of public governance or geographical jurisdiction. Some common types of election are: Presidential election, General election, Primary election, By-election, Local election. A referendum (plural *referendums* or *referenda*) is a democratic tool related to elections in which the electorate votes for or against a specific proposal, law or policy, rather than for a general policy or a particular candidate or party. Referendums are usually called by governments via the legislature, however many democracies allow citizens to petition for referendums directly, called initiatives.

8. Follow-up

Discussion

How many parties participate in general election campaign in Lithuania? What parties are usually the main rivals in the campaign? What are the major issues the parties argue mostly?

27. THE HISTORIC MP

1. Pre-listening focus

Before listening predict if the following statements are true or false.

		True	False
1.	Members of Parliament are elected to represent the interests of the electorate and to fulfil the hopes of so many people.		
2.	Members of Parliament, as the representatives of the nation, have excellent working conditions.		
3.	Parliament is the reflection of the society – it corresponds to the structure of the society in all aspects.		
4.	The interviewee was the first black woman elected to the House of Commons when she was elected in the 1987 General Election.		

2. Pronunciation focus

With a partner practice saying the following words and mark the stressed syllable.

listen avidly	Prime Minister	Secretary- General	the United
	Nations	underclass	
unfairness and injustice	political activist	aspirations	
	a very amateur place		
an awful lot of backbiting	unremarkable	male-dominated place	
	an odd place		

3. Language focus

3.1. Match the following words to their definitions.

1. underclass	a) to fail to protect someone or something from something harmful or dangerous
2. local authority	b) done or made in a way that shows a lack of skill, opposite to professional
3. expose	c) something that you want to achieve, or the wish to achieve something, ambition
4. backbiting	d) the lowest social class in a society, consisting of people who are the poorest and have the least power
5. aspirations	e) consisting of different types, sizes, shapes, colours etc:
6. amateur	f) unpleasant comments and criticisms made about someone who is not there
7. odd	g) an organization in the UK that is responsible for providing public services in a particular area or city

3.2. Listen to the conversation and answer the following questions.

1. When did Miss Abbott become interested in politics?
2. What three influences does Diane give for her interest in politics?
3. What did her mother use to do when listening to the news?
4. How long had Miss Abbott been an MP when the interview took place?
5. What four things does she dislike about her job?
6. What three things does she like about her job?
7. What is unusual about her being an MP?
8. When is she going to get her missing office equipment?
9. What two things are noticeable about her fellow MPs?

3.3. Listen to the conversation once again and fill in the gaps.

... My mother used to listen to the eight o'clock news on Radio Four every morning, when she was (1) my hair when I was a little girl, I used to listen to that (2), and form sort of (3) on the world and what I would do if I was Prime Minister, and um, I remember one of my earliest (4) was to be Secretary-General of the United Nations.

... The fact that I'm a black person, and the fact that I come from (5) in British society, and the fact that because I was black I was (6) very early to unfairness and (7)

... I had an idea of what being an MP was like. I had been on a local (8) for four years, and as a journalist and as a political (9) I'd visited the House of Commons, so it is more or less what I expected.

... I like the opportunity to put my political (10) into practice, I like meeting people, and I'm pleased to be able to fulfil the hopes, (11) of so many people.

4. Useful language

the strongest influence towards what you are doing	
the fact that I was exposed to unfairness	
to put political principles into practice	fellow MPs
I'm pleased to be able to	

5. Build your own legal vocabulary

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6. Information box

<p>A Member of Parliament, or MP, is a representative elected by the voters to a parliament. In many countries the term applies specifically to members of the lower house, as upper houses often have a unique title, such as senate, and thus also have unique titles for its members, such as "senators". Members of parliament tend to form parliamentary parties with members of the same political party. The United Kingdom has members of three different parliaments: 1) <i>Members of Parliament</i> (which refers to members of the Parliament of the United Kingdom, abbreviated to <i>MP(s)</i>) but only in reference to members of the (lower) House of Commons; 2) <i>Members of the European Parliament (MEPs)</i>; 3) <i>Members of the Scottish Parliament (MSPs)</i> (Elected members of the pre-Union Parliament of Scotland were called <i>Commissioners</i>.)</p>
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7. Follow-up

Discussion

What are the most important factors for the MPs to work successfully?

Read more information about the MP Diane Abbott whose career in elected politics began in 1982 when she was elected to Westminster City Council, one of the first black women councillors. Five years later in 1987 she was elected to the House of Commons, replacing the 75 year old Ernest Roberts as MP for Hackney North & Stoke Newington. She has always been on the left of the party, and is a member of the Socialist Campaign Group. The passage below can be an illustration to her activities in Parliament.

ORAL QUESTION TO THE PRIME MINISTER

25 July 2007

National Security

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab):

On the question of detention without trial, the whole House will examine the Prime Minister's proposals very carefully. However, does he accept that there are pragmatic reasons, as well as reasons of principle, why the House so decisively rejected any period longer than 28 days? It is by no means certain that there is a consensus, even among senior policemen and prosecutors, on the need for any extension. The new information that he mentioned earlier about the complexity of investigations was very much part of the debate about 90 days and in that sense is not new to the House. There is the issue that alarm is being caused in communities by the notion that people can be lifted and held without charge for months at a time. In that sense, it might well prove counter-productive. So the issues are not just issues of principle; they are also pragmatic issues and issues of how best to secure our national security.

The Prime Minister: I am grateful for the views that my hon. Friend expresses, because they are very much part of the debate. The scale of the investigations—for example the airline plot that I mentioned—is of a substantially and qualitatively different nature compared with some of the previous investigations. We are dealing with large amounts of data and, in some cases, with multiple passports, addresses and bank accounts. In some

cases, the police do not know the identity of the person they have arrested for some time, because that person is operating under the cover of so many passports, identities, addresses and bank accounts. That issue is increasingly relevant in investigations. If we agree that we are in a qualitatively different position in terms of the threat from al-Qaeda-related activities, we have to consider the security measures that are necessary. I believe that we are combining the need for enhanced security and the protection of the lives of individuals with a recognition that there should be no arbitrariness in the way in which we treat individuals. Therefore we need not only enhanced judicial oversight, but proper parliamentary accountability. I hope that over the next few weeks and months my hon. Friend will look at the specific provisions, which I believe meet all the points that were eloquently made in the debate previously. I hope that she will bear it in mind that the proposal for 90 days has been dropped and that no one on this side of the House is proposing an indefinite period of detention.

28. THE PRIME MINISTER'S PAY RISE

1. Pre-listening focus

Before listening say if the following statements are true or false.

	True	False
1. The title Prime Minister is used in most countries to indicate the head of the government.		
2. The Prime Minister's salary needed to be increased to allow for further increases to officials' salaries.		
3. The Prime Minister's salary should be much higher than the other officials' because of the functions he has to perform.		

2. Pronunciation focus

With a partner practice saying the following words and mark the stressed syllable.

Vast majority administration	financial year increase	national average in excess dedication	previous salary reviewed
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3. Language focus

3.1. Match the following words to their definitions.

1. justify	a) a period of twelve months that a company or organization uses to calculate how much profit it has made and how much it owes. <i>American</i> fiscal year
2. airfare	b) an economic process in which prices increase so that money becomes less valuable
3. financial year	c) to show that there is a good reason for something, especially something that other people think is wrong
4. in excess of something	d) the money you pay to go somewhere by plane
5. inflation	e) more than a particular amount: profits in excess of £80 million
6. review	f) to study or examine a situation, policy, or idea again in order to decide whether it is suitable or satisfactory

3.2. Insert the necessary preposition into the gaps

1. his point of view a crisis
2. the situation is very much control
3. the vast majority of population do fact support this government
4. there can be no pay increases four per cent
5. have voted a pay rise thirty-five percent
6. when the opposition party were power
7. they allowed the MP's salary to fall way the national average
8. we would doubt be earning figures
9. vastly excess of what we are prepared to accept
10. understand the pressures the position
11. I could not vote my own salary
12. It will be announced the House

4. Useful language

we are very pleased to have with us	may I say straight away
if I may, I'd like to	your government has announced
vastly in excess of something	
the right moment to make an announcement	

5. Grammar focus

Write the report of the conversation, mind the rules of the sequence of tenses. The following verbs might be helpful.

explain	insist	refuse	point out that	go on to say that
deny that	tell someone that	disagree	complain	

6. Build your own legal vocabulary

Write the words or collocations that are related to Prime Minister's functions as the head of the government.

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7. Information box

The issue of parliamentary salaries, allowances and benefits generates public discussion and attracts media opinion. In the UK, ministerial salaries are currently governed by the *Ministerial and Other Salaries Act 1975* (as amended) and are updated periodically by Orders (which are statutory instruments). The Order first has to be approved in draft by a resolution of each House.

29. AN INTERVIEW ON HUMAN RIGHTS

1. Pre-listening focus

1.1. Before listening predict if the statements are true or false.

		True	False
1.	Human rights and freedoms are guaranteed by various documents at national and international level.		
2.	Human rights are entitled to people all over the world, whatever their nationality and wherever they live.		
3.	European Convention on Human Rights came into force in 1962.		

1.2. The following quotations are from the famous documents mentioned under a-d below. Read the fragments and work with your partner to match each of them to the document it comes from.

1. 1.....all men are by nature equally free and independent and have certain inherent rights.....
2. We, the people....., determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations, large and small.....
3. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness.
4. We, the people....., in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity,.....

- a) The United Nations Universal Declaration of Human Rights
- b) The Declaration of Independence
- c) The Constitution of the United States
- d) The Virginia Bill of Rights

2. Pronunciation focus

With a partner practise saying the following words and mark the stressed syllable.

millennium	underpinning	eloquent
	inherent	unalienable
eradicate	segregation	infringement
assembly	guarantee	covenant
fundamental	admissible	complaint

3. Language focus

3.1. These words will occur in the listening task on Human Rights. Explain them by using bilingual dictionaries.

Word	Explanation
1. millennium	
2. to be entitled	
3. to underpin	
4. natural law	
5. bill of rights	
6. inherent rights	
7. to endow	
8. to draw up	
9. to underlie	
10. to draft	
11. ratification debates	
12. unalienable rights	
13. to eradicate	
14. amendment	
15. final ruling	
16. at the disposal of	
17. to be binding on/upon	
18. to judge	
19. infringements of HR	
20. to spell out	

3.2. Listen to the interview and fill in the table below with the missing dates or names of documents.

	Date	Document
1.	12 June 1776	a)
2.	4 July 1776	b)
3.		c) Constitution of the USA
4.		d) Bill of Rights
5.	2 July 1964	e)
6.	1948	f)
7.	1966	g)
8.		h) International Covenant on Economic, Social and Cultural Rights
9.		i) European Convention on Human Rights

3.3. Match the words with the corresponding definition.

1. unalienable	a) an introduction or preliminary statement to a formal document
2. segregation	b) that can not be taken away or separated
3. preamble	c) existing as a natural or permanent part or quality of
4. inherent	d) a formal agreement that is legally binding
5. covenant	e) that can be allowed as judicial proof
6. admissible	f) isolation, putting apart from the rest

3.4. *These phrases with collocations occurred in the listening task.
Complete the missing words.*

1. at the..... of the millennium
2. at national/..... level
3. to come into.....
4. infringement of human/...../
rights
5. a legally binding act/
6. gross...../..... of rights
7. to be entitled to..... and freedoms
8. to protect/ to promote/ to..... human rights
9. to draw up a.....
10. to adopt a.....
11. to eradicate racial/..... discrimination
12. to a friendly settlement
13. to bring abefore a court
14. to place oneself at the.....of the parties

4. Information box

Fundamental Freedoms and Rights spelled out in two historic documents:

American Bill of Rights

- Freedom of worship
- Freedom of speech
- Freedom of press
- Freedom of assembly and Petition
- Right to privacy and property
- Rights of arrested

UN Universal Declaration of Human Rights

- Equality before the law
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly
- Freedom of movement
- Right to privacy and property
- Rights of the arrested

A Covenant is a formal agreement that is legally binding. It often forms part of a larger agreement.

5. Follow-up

5.1. Read the passage on the European Convention on Human Rights. Turn the underlined verbs into the Passive.

The European Convention on Human Rights 1) provides for an individual's right to respect for his private and family life, home and correspondence. However, the British law of defamation 2) offers limited protection to celebrities, who often find that photographers 3) have digitally altered their photographs to manipulate the public.

By contrast, American law 4) gives greater protection to celebrities, who can sue publishers of photographs that one 5) could say are defamatory. In 1977, a US District Court 6) awarded the actor Dustin Hoffman \$1,500,500 in punitive damages for invasion of his right of publicity. Los Angeles Magazine published a defamatory picture of Hoffman which the photographer 7) had created by merging a picture of the actor from the film *Tootsie* with another photograph of a model. The judge found that the newspaper 8) had "violated Hoffman by technology", depriving the actor of his dignity, professionalism and talent.

5.2. In groups of 3-4 read about famous cases in which the issue at stake is that of human rights and liberties. Present the case and try to answer the questions:

Who was involved,

When and where it happened,

What solution you reached.

Your teacher will present to you the real verdicts given by the court. How do they compare to yours?

Case A

Miranda v Arizona (1966)

In 1966, a man named Ernesto Miranda was arrested in the state of Arizona. As police questioned him, Miranda confessed to a kidnapping and rape. His confession was cited as evidence against him at the trial. Miranda appealed to the Supreme Court. He claimed his right had been violated because the police had not told him he could remain silent or that he had a

right to be represented by a lawyer at the time to choose to make a statement. Unless such a statement is voluntary, the Constitution forbids using a person's own words to prove an accusation against him. This means one need not testify against oneself.

(*The Law and the Judiciary*, USA, 1986)

Case B

Johnson v Transportation Agency (1987)

Diane Joyce and Paul Johnson worked hard in road constructions, for the Santa Clara Transportation Agency.

In 1980, Johnson and Joyce completed along with ten other applicants for a skilled position, which meant less strenuous work and higher pay. At that time, all the agency's 238 skilled positions were held by men. After an oral exam and a first round of interviews, Paul ranked second and Diane ranked third. A second round followed up, after which the agency gave the job to Paul. Diane Joyce filed the complaint with the head of the agency invoking the county government's affirmative action policy (which referred to encouraging women to take up more responsible positions). After reviewing its decision in the light of the county's policy, the agency took the job from Paul and gave it to Joyce.

Angered by this lost promotion, Paul Johnson sued the agency, arguing that he was the victim of sex discrimination.

(Adapted from *The Challenge of Democracy*)

6. Build your own legal vocabulary

7. Roundup

Discuss with your partners.

7.1. Is total freedom of expression possible? Discuss the question with reference to such issues as:

- national security
- morals
- health
- the authority of judiciary

7. 2. What human rights violations can you find in Lithuania?

30. CENSORSHIP AND DEMOCRACY

1. Pre-listening task

Before listening answer the following questions.

1. What is censorship?
2. How can you define democracy?
3. How does censorship affect democracy?

2. Pronunciation and stress focus

With a partner practice saying the following words and phrases, mark the stressed syllable

Censorship	democracy	anarchy	pornography	propaganda
foreign government	assuming	a two-edged sword	dictator	a necessary evil

3. Language focus

3.1. Match the following words to their definitions.

1. censorship	a) a weapon with a short handle and a long sharp blade
2. ban	b) to solve a problem or deal with a difficult situation successfully
3. assume	c) the process of removing parts of books, films, letters etc that are considered unsuitable for moral, religious, or political reasons
4. sword	d) to believe that something is true, even though no one has told you or even though you have no proof
5. sort out	e) to keep something within strict limits:
6. restrict	f) to say officially that someone is not allowed to do something

3.2. Match the words to make collocations used in the conversation.

1. to restrict	a) against their own government
2. to ban	b) sword
3. to turn	c) the rights of
4. to act	d) to power
5. two-edged	e) into power
6. to get	f) evil
7. necessary	g) pornography
8. to hang on	h) in the best interests of

3.3. Listen to the conversation once again and fill in the gaps.

OMAR: Basically, my view is that if you don't have censorship in a state, you will have something worse.

ISABEL: What exactly do you mean by "something worse"?

OMAR: Well, although you might say that with censorship you've got the government (1)..... of ordinary citizens, without censorship you could have some other force, outside the government, (2)..... to do that.

ISABEL: So you're saying that having censorship is more democratic than having (3)

OMAR: Well, I wouldn't put it quite like that. It depends what you mean democratic. If you mean democracy in (4)..... being able to do whatever they like, OK, I would say that you can't have that and have censorship. But I think true democracy doesn't exist. That kind of democracy is really just (5).....

ISABEL: So, just to make sure (6)....., your point is that real democracy – as it might exist in the real world – works better if you have censorship.

OMAR: Yes, that's right.

ISABEL: OK. But can I just check a couple of things that still aren't clear to me – you said that without censorship, there might be (7).....that would be free to act against the interests of the ordinary citizens?

OMAR: Right, yes, I mean, for example, that unless you ban, let's say, (8)....., you allow some people in a society to exploit some of the others, and there's nothing they can do about it. Pornography is against (9)....., so it shouldn't be allowed, it should be censored.

Or take propaganda from the government in another country. If those sort of lies are allowed into your own country, it will make people (10)..... own government just so that the foreign government can come and take over.

ISABEL: All right, I get the idea. But I think there's more to it than that. You're (11)..... that governments will always act in the best interests of their citizens.

OMAR: Yes, in my country this is always so.

ISABEL: That may well be so, but does it mean that will be the case in all the countries of the world? Isn't censorship (12).....? Isn't it possible that censorship can be used to restrict the rights of ordinary citizens, not just (13)..... them in the way you've been describing.

OMAR: Well, I'm not sure exactly what you mean. Please give me an example of the sort of problem you're thinking of.

ISABEL: Fine. Let's take a country where a dictator gets into power. Maybe the dictator is in fact (14)..... at that time – maybe for various reasons, the country needed a very strong leader to sort out its problems. But what often happens in such a situation is that the dictator continues (15)..... long after he should – when the country would in fact become far stronger if it became more democratic. Some of the citizens realize that this is the case, and start to speak out. They write in the newspaper, talk on the radio and TV. So what does the dictator do? He censors them. And what is the result? Less democracy, not more.

4. Information box

Censorship is the control of forms of human expression; it is sometimes implemented by the government. The visible motive of censorship is often to stabilize or improve the society that the government would have control over. It is most commonly applied to acts that occur in public circumstances, and most formally involves the **suppression** of ideas by criminalizing or regulating expression. Furthermore, discussion of censorship often includes less formal means of controlling perceptions by excluding various ideas from mass communication. What is censored may range from specific words to entire concepts and it may be influenced by value system.

5. Follow-up

Use the following terms to name different types of censorship.

Political censorship	Corporate censorship	Moral censorship
Religious censorship	Military censorship	

The rationale for censorship is different for various types of data censored. There are five main types:

- is the means by which any material that contains questionable ethics is removed. The censoring body disapproves of the values behind the material and limits access to it. An example is pornography.
- is the process of keeping military intelligence and tactics confidential and away from the enemy. This is used to counter espionage, which is the process of gleaning military information.
- occurs when governments conceal secrets from their citizens. The logic is to prevent the free expression needed to revolt. Democracies do not officially approve of political censorship but often endorse it privately. Any dissent against the government is thought to be a “weakness” for the enemy to exploit. Campaign tactics are also kept secret.
- is the means by which any material objectionable to a certain faith is removed. This often involves a dominant religion forcing limitations on less dominant ones. Alternatively, one religion may shun the works of another when they believe the content is not appropriate for their faith. Similarly religious groups have often sought to censor scientific facts or fictional works which they believe undermine or threaten their beliefs. This is very similar to moral censorship, and the two may be confused.
- is the process by which editors in corporate media outlets intervene to halt the publishing of information that portrays their business or business partners in a negative light. Privately owned corporations in the *business* of reporting the news also sometimes refuse to distribute information due to the potential loss of advertiser revenue or shareholder value which adverse publicity may bring.

TAPESCRIPTS

Tapescript 1 SOURCES OF ENGLISH LAW

English law stems from seven main sources, though these vary a great deal in importance. The basis of our law today is case law: a mass of judge-made decisions which lays down rules to be followed in future cases. For many centuries it was the main form of law and it is still very important today. However, the most important form of law, in the sense that it prevails over most of the others, is statute law, or Acts of Parliament, which today are the source of most major changes in the law. As well as being a source of law in their own right, statutes contribute to case law, since the courts have to interpret statutory provisions, and such decisions lay down new precedents. Delegated legislation is a related source, laying down detailed rules made to implement the broader provisions of statutes.

An increasingly important source of law is the legislation of the European Community, which is the only type of law that can take precedence over statutes in the UK and is increasingly influencing the decisions of the courts in interpreting statutes. Finally, custom, equity and obligations relating to international treaties are minor sources of law, though Britain's obligations under the European Convention on Human Rights have produced notable contributions to law reform.

Tapescript 2 BRANCHES OF LAW

Part I The Nature of law

Today I'm going to describe the different ways in which law can be classified. But first, since you are all students of law and about to embark on a lawyer's career in a few years' time, I'd like to share with you some thoughts concerning the nature of law in general.

Now, we are all aware that the law affects every aspect of our lives. It governs our conduct from the cradle to the grave and its influence extends even from before our birth till after our death. We live in a society which

has a complex body of rules to control the activities of its members. There are laws which govern working conditions, such as those concerning minimum standards of health and safety, laws which regulate leisure pursuits, for instance the banning of serving alcohol at football matches, and laws which concern personal relationships by prohibiting marriages between close relatives, for example.

There are many ways in which law can be classified. Today, I'm going to present two of the most important of these classifications, namely the fundamental division between Public and Private Law, on the one hand, and between Criminal and Civil Law, on the other.

Part II Public and Private Law

So, let me start with the first main division of law, which is that between Public and Private Law. Public Law is concerned with the relationship between the state and its citizens. It comprises several specialist areas such as Constitutional Law, which is concerned with the workings of the British Constitution, Administrative Law and Criminal Law, whereas Private Law is primarily concerned with the rights and duties of individuals towards each other.

[The] State's involvement in this, area of the law, I mean in Private Law, is confined, of course, to providing a civilised method of resolving the dispute that has arisen. So the legal process is begun by the aggrieved person and not by the State. Private Law is also called Civil Law and is often contrasted with Criminal Law.

Tapescript 3 CRIMINAL AND CIVIL LAW

All right. So far I have talked about the distinction between Public and Private Law. Let me now turn to another basic classification of law, that which distinguishes Criminal from Civil Law. What should be emphasised here is that legal rules are generally divided into two categories: criminal and civil. So it's important to understand the nature of the division because there are fundamental differences in the purpose, procedure and terminology of each branch of law.

So, what is the criminal law about? Well, to put it briefly, the criminal law is concerned with forbidding certain forms of wrongful conduct and punishing those who engage in prohibited acts. Criminal proceedings are

normally brought in the name of the Crown and are called prosecutions. Prosecutions may also be undertaken by various public bodies such as the Trading Standards Department, or a local authority. In most cases, a prosecutor prosecutes a defendant in a criminal court. And if the prosecutor is successful, the defendant is found guilty and convicted and may be punished by the courts. The punishments available include imprisonment, fines, probation, or perhaps community service. If the prosecution is unsuccessful, the defendant is found not guilty and acquitted. It is sometimes possible for private individuals to initiate a private prosecution, but this is unusual.

Criminal law applies to illegal activities occurring in any area of public life, as for instance the functioning of businesses or of other organizations. You may encounter criminal law as a manager under such enactments as the Trade Descriptions Act 1968, Accounting Act 1985, and the Health and Safety at work Act 1974.

The Civil Law, on the other hand, deals with the private rights and obligations that arise between individuals. The purpose of any legal action is to remedy wrong that has been suffered. So, is the State responsible for beginning the legal process in this case? No. Enforcement of Civil Law is the responsibility of the individual who has been wronged. Yet, the State does have a role in this case, too. Its role is to provide the procedure and the court necessary to resolve the dispute.

In civil proceedings, a plaintiff (or a claimant) sues a defendant in a civil court. A claimant will be successful if they can prove their case on balance of probabilities. If the claimant wins their action, the defendant is said to be liable and the Court will order an appropriate remedy such as damages, financial compensation, or an injunction -which is an order to do or not to do something. If the claimant is not successful, the defendant is found not liable. Many of the laws affecting business, for example, are part of Civil Law, in particular Contract, Tort and Property Law.

Tapescript 4

WHO IS A CRIMINAL?

We normally think of the answer to the question 'What is a criminal?' as being a straightforward one. A criminal is a person who commits a crime, a crime being an illegal act, something against the law.

However, once we begin to think about the matter a little further, it soon turns out to be more complicated than this. How many of us can honestly put our hands on our hearts and say we have never committed a

crime? For example, how many of us have never exceeded the speed limit when driving? Or never bought items that were illegal at a certain age, such as cigarettes or alcohol?

Or failed to go through the red channel at customs, in order to avoid paying duty on goods we have bought? Most of us, at one point or another in our lives, have broken the law in this way. Does this then make us criminals? I don't expect you to answer that question, let me hasten to add, at least not now and not in public! My point is that most of us, I am sure, despite committing 'crimes' like these, do not think of ourselves as criminals. This, then, is my first point: in our minds, a criminal would appear to be not always the same as someone who has broken the law.

Let me give some further examples of the difficulty of really being clear about the meaning of the term 'criminal'. Let us take the question of computer hacking. This is when an unauthorized person gains entry to a computer system. This has recently become illegal in many countries. Yet before these laws came into existence, there was widespread feeling that computer hacking was a criminal kind of activity, presumably because it made people feel worried about the threat to computerized security systems used by banks, military forces, and so on. Thus, although they broke no law until recently, computer hackers have traditionally been widely regarded as criminals. This example again serves to show the problem of trying to define a criminal simply as a law-breaker.

It would seem, in other words, that our everyday concept of what is criminal is not necessarily just what is against the law. Instead, it depends on our way of viewing the world. If I am a member of the IRA, for example, I will see myself as a "freedom fighter", one who is committed to putting right the crimes committed by others. On the other hand, the British government will refer to me as a 'terrorist', and, because my actions are from their point of view illegal, will regard me as a criminal. In other words, the definition of who or what is a criminal depends on which side of the political fence you sit on.

Another clear example of the way concepts of crime vary is in attitudes to so-called 'victimless' crime. This kind of crime typically involves stealing money from financial institutions such as banks by taking part in illegal transactions. Very often crime committed in this way is viewed quite differently from when a bank is robbed by someone who walks in with a gun and demands to be given money. The amount stolen by either method may be the same (or, often, much less in the case of the hold-up). However, crime committed by the financial expert who manages to steal the money by some kind of illegal paper transaction is often viewed by the public as

victimless - that is, it is felt that nobody suffered on a personal basis, since large financial institutions are able to absorb the costs involved, and these are seen to be impersonal kinds of organizations. There also often appears to be a sneaking admiration for the ingenuity of the criminal in such cases, which also tends to affect the view most people have of such incidents as not being crimes in the normal sense of the term. On the other hand, the ordinary bank robber is usually seen as a criminal, pure and simple.

Concepts of crime vary greatly on a sexual basis as well. This has recently been highlighted by controversy over the idea of sexual harassment in the work place. This occurs when men say or do things to women at work which offend them sexually. Most men appear to regard this type of behaviour as an extension of what they see as normal relations between men and women. Most women, however, view it as a practice which, even though it may not be illegal, should be regarded as such, and therefore as criminal behaviour. Similarly, there are often sharply divided views between men and women on the subject of wife-rape. This is said to occur when a husband forces his wife to have sex with him against her will. This has only recently been recognized as a crime in the United States and England. Traditionally, men have tended to argue that marriage gives the husband the right to have sex with his wife, with or without her consent. However, many women take the view that this is no different from the criminal act of raping another woman.

It should be obvious by now that there is no easy answer to the question of who and what is a criminal. . . *(fade out)*

Tapescript 5

CRIME AND PUNISHMENT

1

Well, I think if you do something like go into somebody's garden without asking them first, then, then I think that it's not too bad so you shouldn't, you shouldn't be punished for it, but I really think that you should go and say sorry.

2

Well, I suppose it's not really an offence is it, not, not a serious offence? I just think people do it without thinking. Urn, they see other people do it so they do it themselves and then you end up with a really filthy street. People should think more about the environment, about their surroundings and perhaps rather than punishing them they should, they

should have a deterrent fine or, or, you know, enough of a fine to make them think twice about doing it again, frankly.

3

Well, let's be honest, it's the most serious thing you can ever do, isn't it? I mean it's the most brutal thing you can ever do and I personally think it should be an eye for an eye, a tooth for a tooth, a life for a life. If you're going to do this kind of thing, you know, you deserve what you get.

4

Well, my mother always said that when she was a little girl, she had her mouth washed out with soap and water and I think that is still the best way. I really do.

5

Um, I'm not really sure to be honest. Er, I think, ban, a ban I think. Er, six months, a year, depending on how much you've had I suppose, but I don't really have a strong opinion about it.

6

I think give the person a bucket and a cloth and make them scrape the stuff off the walls themselves. I think it's really important. You have to see the consequences of your actions and be made to fix up your own mess. Other than that, maybe give them art classes, so they do it properly.

7

Well, I think this is, you know, a really violent theft. You know, it's a dreadful crime and I think you should be quite heavily punished for it really. Um, I think you should get at least fifteen years. I mean, this might act as a deterrent, especially for younger people thinking that it's just a bit of fun and, um, it's maybe an easy way of getting money.

8

Well, first of all I think the damage these things do should not be underestimated. This is in no way a nuisance crime. It is extremely, extremely serious. It can have worldwide effects. It can lose businesses and individuals millions of pounds and I think the punishment should reflect this. It's a difficult one because I think perhaps prison is too harsh but perhaps we should consider community service. I mean, a lot of these people that commit this kind of crime are obviously extremely talented and have a lot of knowledge and maybe that could be put to better use. Or perhaps a large fine. Er, gosh, how much I don't know, but that would be decided by the courts, but I think that would certainly make these criminals, because that's what they are think twice about doing it again.

Well, I think it should be imprisonment for quite a long time because this is a crime that can also involve torture and can also involve murder as well, so it is a very serious crime and it can do an enormous amount of damage to the victim if they survive and to the victim's family so it's quite a serious offence.

Tapescript 6 TORTS

Case One: Jane and Patrick (neighbours)

JANE: Hello. Patrick, is that you?

PATRICK: Yeah, Jane. What can I do for you?

JANE: I was calling about the apple tree that you were trimming yesterday.

PATRICK: That was hard work.

JANE: I'm sure it was. It sure looked difficult. Took you most of the afternoon too.

PATRICK: Yeah, I'm sure glad it's finished. Hauling the branches to the front for garbage pickup was no fun either.

JANE: Well, I don't think you're quite finished yet. Some of the larger branches fell over into my yard, and I think you should come and get them.

PATRICK: Listen, Jane, I don't see why I should do that. You get to eat all the apples that fall in your yard, and you have never complained about that before.

JANE: Well, it's easier to pick up apples than drag tree branches all the way to the curb. My kids pick up the apples, and the branches are just too big for them to drag.

PATRICK: Well, I guess you'll just have to do it yourself, Jane. I don't think it's my problem.

JANE: Patrick, I wish you would reconsider. We've always gotten along fairly well, but I think you're out of line here. The branches are your responsibility.

PATRICK: Sorry, Jane. I disagree. You take the benefits of the apple tree but refuse to deal with the bad side of it. Besides it won't take you any time to get the branches out front.

JANE: Patrick, you just said yourself that it was the worst part of the job, dragging the branches off your property. I'm not going to do it. They're from your tree.

PATRICK: Jane, just think about it for a little while. You're not being fair about this.

JANE: I think I am, Patrick. Get the branches off my property, or I'll have to sue you.

PATRICK: Yeah, for what? You're taking those law classes too seriously. I've got to go. I have to pick up my son.

JANE: You'll be hearing from me.

PATRICK: Yeah, yeah. See you in court, Jane.

Case Two: Mary and Barb (neighbours)

NARRATOR: Mary and Barb are discussing the flight pattern of the jets at a new airport which has been built close to their housing development.

MARY: Barb, how noisy is it in your place when the planes are flying over?

BARB: I can't hear a thing anyone is saying, and my dishes even rattle.

MARY: Mine too. The baby was crying yesterday, and I didn't even hear her at first.

BARB: I just can't believe that the planes have to fly so low directly over our houses. We ought to get up a petition or something.

MARY: We really should do something. Maybe one of us should sue the airport for trespass.

BARB: Trespass? Are they really trespassing?

MARY: I'm not really sure, but I swear I read something about a property owner suing an airport for something similar in the newspaper about three years ago. Maybe Baxter and I should go see that attorney friend of his sister's and ask him what he thinks.

BARB: That might not be such a bad idea. Sometimes it gets so noisy I can barely think. These houses weren't built with an airport next door in mind.

MARY: Yeah, the insulation is fine for winter weather but not for jet engines.

Tapescript 7

CIVIL PROCEDURE

Ms. Cherry, sit down, please. Now I know that this is your first time to be involved in a lawsuit, so I want to go over a few terms and let you know what's going to happen. Some of this you'll know from watching TV, but much of what really happens in the courtroom bears no resemblance to those lawyer shows or movies. I can assure you Tom Cruise won't show up. I've already filed the complaint—that tells the court what the problem is that you want them to look at. Since you filed the complaint, you are the plaintiff. The man who hit you is the defendant. He's also filed papers called the “answer” that give his side of the story.

Next we enter the discovery phase, where we discover what everybody knows and agrees to. We'll send requests for them to agree with us about certain facts. We call those requests “admissions,” but don't worry, that's not like an admission of guilt or anything. If nobody disagrees with certain facts, we call them “stipulations.” It just means we all agree that, for example, you were driving at or below the speed limit. That way we don't have to spend time in court settling those things.

Once we've finished with all the pretrial motions and the trial starts, I'll call you to the stand and you will tell what happened. The defense attorney will also ask you questions; that's called cross-examination. I'll call you when I hear from the other attorney. And thank you now for stopping by.

Tapescript 8

ELEMENTS OF A CONTRACT

A. In the park

JOE: Hey, you're Bert, right? Sam says you always have good stuff.

BERT: I don't know any Sam. What are you talking about?

JOE: You know stuff, you know, blow, nose candy.

BERT: Oh?

JOE: Cocaine.

BERT: Oh, that stuff.

JOE: So you have it?

BERT: Maybe. What's it worth to you?

JOE: It's a hundred, right?

BERT: Beat it. Don't waste my time. How old are you anyway? 16, 17?

JOE: So how much do you get?

BERT: One and a half.

JOE: A \$150!!!! What kind of stuff have you got?

BERT: Shut up, you're advertising. You're not interested; lots of others are.

JOE: No, no, I'm cool. Here's my money.

BERT: Here's your stuff.

B. On the beach

MARY: That's really a beautiful painting. Do you do portraits?

ARTIST: Only when I really need the money.

MARY: Do you need the money now?

ARTIST: Actually, I do. I need more supplies. Name's John, by the way.

MARY: Well, John, I'd like to talk with you about painting a portrait of my daughter. How do you charge?

ARTIST: What size portrait were you talking about?

MARY: It doesn't have to be huge.

ARTIST: How about 24 by 18? I could do a nice sketch here on the beach for \$45, but if you want a formal portrait, I charge \$300.

MARY: I want the portrait, not the sketch. How do you want me to pay you?

ARTIST: You pay me half now and half when it's done. Would she come to my studio, or would I have to drive to her house?

MARY: Oh, we live up the beach. Do you see that yellow house up there? That's ours. You could come to our house.

ARTIST: How soon do you want the portrait?

MARY: Well, her father's birthday is in a couple of weeks and I'd like it by then.

ARTIST: When do you want me to start?

MARY: Tomorrow, if it's okay. I don't have a check with me now, but I'll have one for you tomorrow when you come. Is 10 okay? Here's the address and my telephone number. Call me if there's any problem.

ARTIST: See you tomorrow at 10.

Tapescript 9 SELLING A CAR

MR. GONZALES: Good morning, Ms. Sujan. How are you doing?

MS. SUJAN: Good morning, Mr. Gonzales. It's good to see you again.

MR. GONZALES: My secretary tells me that you want to sell your car.

MS. SUJAN: Yes, you know I never really cared for it. It was my late husband who was crazy about it.

MR. GONZALES: You know, it's only been two months since your husband died. Are you sure you want to get rid of it?

MS. SUJAN: I'm sure. It just reminds me of my husband.

MR. GONZALES: Have you found a buyer?

MS. SUJAN: That's why I am here. I need you to handle the sale for me.

MR. GONZALES: You know, you could really handle this matter yourself.

MS. SUJAN: I know, but I'd prefer that you do it.

MR. GONZALES: Okay. Let's start with the car. What year and make is it?

MS. SUJAN: A 1931 Cadillac convertible coupe. It has a Fleetwood custom body, white, with a rumble seat. Ted told me when he bought it that it was in mint condition—the original paint job and upholstery.

MR. GONZALES: What is the vehicle identification number?

MS. SUJAN: I have it right here—CA49862.

MR. GONZALES: Who is the buyer?

MS. SUJAN: Arnold Stallone. He's offered me \$190,000.00.

MR. GONZALES: Are you sure that is a fair price?

MS. SUJAN: Oh, yes. Ted had it appraised just six months ago, and it's fair.

MR. GONZALES: Let me check your personal information to make sure everything's current. Martha A. Sujan, living at 1610 N. Wilcrest Blvd., Tucson, Arizona 13560.

MS. SUJAN: Yes.

MR. GONZALES: Telephone number: 520-236-4591.

MS. SUJAN: Yes.

MR. GONZALES: When are you planning to transfer title to the car?

MS. SUJAN: If you can have the papers ready by next Friday, I'd like to transfer it then.

MR. GONZALES: Why don't we just say next Friday at 2:00 P.M.?

MS. SUJAN: Fine, I'll see you then.

Tapescript 10 PHONING THE LANDLORD

L = Landlord

A = Angela

L Hello. 6785423

A Hello. I saw your advertisement for the room.

L Oh, oh yea. That's right.

A I wonder if could give some more information?

L Yea, well, well what would you like to know?

A Well, I was wondering ... Er... What's the rent?

L £35 a week.

A And what goes that include?

L The room, obviously. It's your own room. You don't have to share. It's a single room. You share the bathroom and you can use the kitchen, but there's no meals included.

A Right, uhm... and what about heating?

L No, no you don't have to pay for that. There's central heating an all the rooms, so there's nothing extra to pay there.

A Oh lovely, and do you want the rent weekly? Is there a deposit?

L You have to pay weekly, on a Monday. And there's a one week deposit, payable in advance.

A Right, that sounds fair. Are there any particular house rules, you know, that I've got to keep?

L How do you mean?

A Well, like what about guests and hours?

L Oh yea, well you can come and go as you want, of course, but you must pay a deposit for the front-door key. That's separate from the other deposit, I'm afraid.

A I see.

L As for guests, they should be out by eleven o'clock. We don't like to say that, but we've had a bit too much trouble, so we have to say it.

A Right. Is it quite near public transport?

L Oh yea. Five minutes to the tube station, and the bus stop is just round the corner with buses into town every ten minutes or so.

A Lovely, it sounds very interesting. Do you think I could come and have a look at it this evening?

L Yea, of course. I'll give you the address. Now, it's 35, Chestnut Avenue, Walton. How'll you be coming?

- A By car.
L Well, it's just by the police station and the library.
A Yes, well I know it. If I come about eight is that all right?
L That's fine. Could you tell me your name?
A Angela Smiley.
L Right. I'll see you around eight. Goodbye.
A Bye-bye.

Tapescript 11 © FILING A COMPLAINT

DAWN: Dawn Aurora speaking.

ADAM: Hi, Dawn, this is Adam Shang.

DAWN: Adam, good to hear from you. What's up?

ADAM: My crazy neighbour's at it again. He's filed another complaint. Of course, I want you to file the answer. That's the right term isn't it?

DAWN: Yes, you're a quick learner, Adam. What's he alleging this time? I thought he would have given up after the last judge granted our demurrer and dismissed the case.

ADAM: There you go again. Speak English.

DAWN: The judge dismissed the case because your neighbour didn't have sufficient grounds to sue.

ADAM: Well, Dawn, this time the trial's going to be in Montana.

DAWN: Montana? What did he ask for—a change of venue because of that horrible newspaper article about him? Did he forget we live in Idaho?

ADAM: Venue change? No, it was something to do with my ranch there.

DAWN: No, no. I can't believe he's trying for quasi in rem jurisdiction.

ADAM: You know I don't speak French.

DAWN: Adam, that's Latin and you know it. Don't worry. We may try to get it dismissed for lack of jurisdiction.

ADAM: Whatever. He yelled over the fence this morning, "I've got you this time."

DAWN: We'll see what he's got in discovery. Fax the papers over, and I'll get started after I come back from court this morning.

ADAM: OK, your fax number's 555-2226, right?

DAWN: Right. I'll call you back when I've had a chance to draft the answer, but it might be tomorrow.

ADAM: Great. I'll be waiting for your call. Thanks. Bye.

DAWN: Bye.

Tapescript 12

PRODUCT LIABILITY

Perhaps one of the most widely reported injury cases to reach the public's eye in modern history is *Stella Lieback v. McDonald's Corp.* We've all heard of the seventy-nine-year-old New Mexico woman who suffered third-degree burns as a result of spilling a cup of coffee she had bought at a McDonald's drive-through. Many people and even legal scholars around the world have made fun of this case and by extension the American legal system. Most assume Ms. Lieback received millions of dollars simply because she spilled a cup of coffee on herself while she was driving. On closer examination, however, the facts show that this case was actually an example of how the American products liability system works to change corporate behaviour and protect consumers.

In pretrial discovery, the attorney for Ms. Lieback learned from McDonald's that the corporation had already been sued over seven hundred other times for burns and injuries caused by the temperature of the coffee. In each case, the injured party had settled with McDonald's.

As part of the settlement, the injured party was required to sign a confidentiality agreement which would bar the plaintiff from talking about the nature of the settlement.

During the trial it was established that in the U.S. coffee is routinely served at 135–45 degrees Fahrenheit (57–68 degrees Celsius) at home and in restaurants. In contrast, McDonald's served its coffee in its American stores at 180–90 degrees (82–87 degrees Celsius). When liquids that hot touch human skin, they can be very dangerous. On the day of her injury, her grandson, the driver of the car in which Ms. Lieback was a passenger, came to a complete stop so that Ms. Lieback could add cream and sugar to the coffee she had just received from the drive-through clerk. Ms. Lieback placed the cup between her knees and attempted to remove the plastic lid from the cup. As she removed the lid, the entire cup of coffee spilled into her lap. Because of the high temperature of the coffee, the burns were immediate, painful, and serious. Consequently, Ms. Lieback incurred medical bills over \$10,000 for skin grafts and several weeks of

hospitalization. During later negotiations for reimbursement for the medical bills paid, McDonald's attempted to settle for \$800. Unable to reach a settlement, the family filed a lawsuit. At the trial, a McDonald's spokesperson held that although customers were going to be injured, it was appropriate to continue to serve the coffee at that temperature since the number of burned people would be "statistically insignificant." Although it seemed as though the jury initially found the case ridiculous, the members were so angered by McDonald's attitude that they found for Ms. Lieback. She was awarded \$200,000 in compensatory damages, which was reduced to \$160,000 when the jury determined that she was 20 percent responsible for the accident.

As punitive damages, they awarded an amount equal to McDonald's U.S. earnings from two days of coffee sales: \$2.7 million. Even though the judge later reduced the amount to \$480,000 and the parties actually settled for even less, the news media erroneously reported that Ms. Lieback was awarded "millions."

In response to this case, McDonald's began serving coffee at a lower temperature. This case serves as a good example of how the system actually does work to protect the consumer by changing corporate behaviour.

Tapescript 13

WORKING AT HOME

Lynn Dermott works for the Low Pay Unit. One of her particular concerns is the working conditions of "home workers". These are people who can do their work from home, thanks to the revolution in the communications industry.

I = Interviewer

D = Lynn Dermott

I Miss Dermott, let me ask you straight away, do you think that technology has advanced so far that soon, or within a few years, many people could work at home instead of working in offices in the centre of towns?

D Oh yes. It's happening now. You see, there has been such enormous advances in the communications industry, with mini- and micro-computers, and, of course, now with cable TV on its way, many people are already working from home who traditionally have to go into an office every day.

I Mmm.

D You see, the communications industry has made more progress than any other industry in the last ten years.

I And how do these people manage to work? I mean, what equipment do they have at home?

D Well, they have a home terminal, oh that consists of a, a keyboard and computer, a printer, and a telephone link, to link up to other computers.

I Oh, I see. But surely there are many advantages in being able to work from home?

D Oh yes. I mean, people spend a lot of their working day actually getting to and from their place of work, never mind the expense of that, and the stress it can cause. I mean, the rush hours, as everyone knows, are the worst times of day to travel, and millions of people spend their working lives either getting up early to avoid the rush hours or or... travelling in the middle of them with all the stress that can cause. Something that's happened in Britain, not so much in the rest of Europe, is that people actually want to live as far away as possible from where they work. By that I mean that don't want to live actually in the centre of cities and towns. And of course the transporting of so many people causes pollution in our cities, and in general really.

I Ar yes, I see. So what is it that you don't like about the conditions of home-workers?

D What I'm afraid of is that the employer doesn't have to accept his responsibilities.

I Um... what do you mean? Surely the person is still an employee?

D Well yes, you may think but let me tell you what might happen. Basically three things. One – lower wages, two – no job security, and three – poorer working conditions.

I Could you go through those one by one? First of all, why should people working at home be paid a lower wage?

D Well, indeed, but we've done surveys that show that even skilled computer operators are paid nearly £2 an hour less than their counterparts in offices. And under British law people working at home, you probably didn't know this, have no protection against unfair dismissal, no sickness benefits and no holiday pay.

I Ah I see.

D The employer also has no legal obligation whatsoever to ensure reasonable working conditions. Now, what must be remembered is that at the moment it's only the highly skilled and well paid who are working at home. But what I'm concerned with is what's going to happen when cable

networks and satellites bring down the cost of installing terminals in people's houses and then, of course, it'll be cheap enough to have all your office staff at home? Now, we think the future looks very bad for these people. For example, we've found that in the United States, companies have taken advantage of cheap communications to employ data-entry clerks in Barbados, paying them 1.50 an hour. I mean it sounds extraordinary but you think about it in those technological terms you see. In future a British firm in for example, London, might employ clerks in Belfast or a Paris company could have their secretaries in Spain, and then they just dial around for the cheapest labour.

I Mmm. This appears to affect women more than men at the moment.

D Well, only in the secretarial and data-processing field. You see there are three million women in Britain whose jobs involve processing information, and many employers would like to have them out of the way at home, with none of the protection they would get if they were in an office.

I Yes, but surely such arrangements suit some people, particularly women? If they have young children that don't want to travel a long way from home. And... uhm... perhaps they want the advantages of flexi-time, where they have a number of hours to do but they can choose when to do them?

D Well, of course that's true. These type of arrangements do suit a lot of women. But what we're concerned with is the question of... well... exploitation. Now, one company has given its home-workers the status and benefits of full-time employees. But you see we think this employment should go to all home-workers.

Now, what is clear is that the new technologies are radically changing the working lives of people. Well, it's those people who traditionally have had very little say in their conditions of employment. Now it would be easy for an employer to exploit these people further by keeping them beyond the protection of the health and safety laws, and of course also beyond any possible contacts with trade unions. Now, we are in favour of the benefits and freedoms that might come with this new situation but we also want to warn people now of the risks.

I Thank you very much.

Tapescript 14

AN ARRANGED MARRIAGE

I = Interviewer

P = Pratima

I How old were you when you met your husband, Pratima?

P Mmm ... I was just sixteen.

I Were you still at school?

P No, I'd left school but I was having private tuition at home, to prepare me for some exams.

I And your father arranged your marriage? Is that right?

P That's right.

I Could you tell me how he did that?

P Well, he looked around for a suitable husband. He asked friends and relatives if they knew anyone, and found out about their education, their background and ... er ... most importantly the family's background. He managed to get a lot of information about them, you know.

I And how long did this take?

P Not too long in my case, but you know ... er ... sometimes a father can see up to a hundred men before he chooses one. For my sister, my elder sister he saw over one hundred men before ...

I He saw how many? Goodness! It must take up a lot of time.

P Yes, it can be difficult to decide but for me he saw only two ... er ... one in the morning and one in the afternoon and ... er ... he chose the second one.

I What a day! Can you tell me about it?

P Yes ... well, in the morning the first man was very wealthy, and he was well-dressed and ... er ... had good manners but ... er ... he hadn't had a good education.

I Ah. And the other one?

P Well, he wasn't terribly wealthy, but he was well educated and he came from a good background ..., er ... his family owned a village and were like princes. He was 22 and studying law.

I And this one your father chose?

P That's right. I think he thought money wasn't everything - for my father education was more important and anyway, if a man is well-educated, he will earn in the end. Actually, Shyam, that's my husband's name, Shyam didn't want to get married at all but his father had told him he must ... so ... er when he came to my house to meet my father, he was very

badly-dressed because he hoped my father would refuse him. But luckily for me, my father did like him, and ... er ... he had to say yes.

I He had to?

P Oh yes, he had promised his father.

I And what about you? Did you meet both men?

P Yes, I met them that day. First my family spoke to them and then they called me in and we ... er ... we spoke for four ... four or five minutes.

I And did you prefer the second?

P Well, actually I wasn't sure. I left it to my father.

I You must trust him a lot!

P Oh, yes.

I So what happened next?

P Well, after a while, there was a special day when I went to meet his family and his family came to meet mine. It was Er kind of an engagement party. But we – you know- Shyam and me, we used to be on the phone every day and we'd meet regularly but always we had to have a chaperone. And after ten months we got married.

I And how long have you been married?

P Nearly twenty-five years now.

I And It's been a successful marriage! Your father made a good choice?

P Oh Yes, of course and we have two beautiful sons. They're twenty-two and seventeen now.

I And will you arrange their marriage?

P Oh yes. My husband is planning them now. He's been asking families for some time already and ...

I And your sons want it?

P Well, Krishna, he's the eldest, he's OK about it - he's studying hard and hasn't got the time to meet girls but ...

I Yes, what about the youngest? Ravi, isn't it?

P Yes ... er, well actually, Ravi's not so keen. It might be difficult to persuade ... -

I But you still believe that the system of arranged marriages is a good one?

P Oh yes, I do, of course I do - but you know it depends on a lot ... er ... especially on the family choosing the right person. But one main reason, I think it does work, is that the couple enter the marriage not expecting too much - if you see what I mean. Actually, you know, there are many more divorces between couples who thought they were marrying for love. You know, my mother ... er ... she had to marry at thirteen but she's still happily

married nearly fifty years later. Of course, nowadays thirteen is considered too young but you know ... times change.

I Yeah, that's very true. Thank you very much indeed, Pratima.

Tapescript 15

A DIVORCE LAWYER

I = Interviewer

S = Mrs Jane Simpson, a divorce lawyer

I Mrs Simpson, could you tell me who most often starts divorce proceedings, the man or the woman?

S The woman.

I And what is the most common reason for divorce?

S Well, the legal reason most commonly stated in the court is adultery, but this is a symptom, really, rather than the real reason. I think there are two real reasons. One, the couple has grown apart with time, and two, either the husband or the wife found the courage eventually to bring to an end an intolerable situation. More specifically, the woman's reasons are that she doesn't have to put up with it any longer, and she has grown mature, as it were and perhaps making an important decision for herself for the first time in her life. The man's reasons are that he is growing away, perhaps because of business, and his wife who's left at home doesn't come with him either physically on business trips, but more important, doesn't develop with him spiritually.

I You said that adultery is often the symptom of divorce, not the cause. Could you say a little more about that, do you think?

S Yes. Adultery is not often the reason why a marriage breaks down. It's really an event that brings out the reasons why a marriage has already broken down. Adultery, you see, is a tangible fact. Many of us find it difficult to know our true feelings, our emotions, and it can be even more difficult to talk about them. Well, adultery is something you can actually point out at, and say "That's why".

I I see.

S People by nature are conservative. We're afraid of change, we're afraid of the unknown, and so people put up with the most intolerable circumstances for years before coming to the decision.

I Oh. After all your years of experience in the more unpleasant side of the marriage, what's your opinion of it?

S Well. I'm in favour of it. I think there are many good marriages. They do work, but they need a lot of work to keep them going. I think this is something unfortunately that most people just don't realize. Marriages need efforts to be invested in them, just as for instance flowers need water and attention, or they die. I must say, I think it's better to end a relationship that doesn't work, rather than stay together in misery for year after year.

I Yes.

S So my advice to divorcees is "Think long and hard about what went wrong with that marriage, and avoid making the same mistake twice." Too many people rush into another marriage too quickly, and for example a woman who thinks she needs a dominating man but then hates being dominated will marry another dominating man, and of course it all happens all over again.

I Mmm yes, do you think divorce should be made easier or more difficult, or in your opinion is the situation acceptable as it is?

S Yes, it's OK. I personally think the grounds for divorce should be simplified. I think the only reason required for divorce should be one year's separation. At the moment, as you probably know, the fundamental reason is "irretrievable breakdown", and a number of signs that might prove that. But what actually happens is that a couple knows their marriage is over, and has to find one of the accepted labels to explain it. So the present system is a bit dishonest you might say.

I And is it true that children are the ones who suffer most?

S Oh yes, they suffer more than we care to realize. Parents need to talk honestly to the children, preferably together.

I Do you think then that having children is a reason for staying together?

S No, not if the parents can't behave in an adult way. Children are a very good reason for working harder at a marriage, however, and so stopping a bad situation starting in the first place. But if the atmosphere is already tense, there will be a lot of relief when the parents divorce.

I Uhm, tell me how you find your job? Doesn't it depress you sometimes, that you're dealing with couples who perhaps hate each other, or who've lied and hurt other people, and are now perhaps fighting selfishly to get the most for themselves?

S Oh yes, sometimes I'll think "Why can't you sort out your problems?" about a particular client. "Be honest with yourself and the others in your life, that's all you've got to do." But of course that's something we find very difficult. What I wish most is that they would realize how well-off they were, and I don't mean money by the way. But

when I have a client in front of me, well, I just have a job to do, and must do it to the best of my abilities.

I Thank you very much, Mrs Simpson.

Tapescript 16

CHARITY APPEALS

1 Amnesty International

Amnesty International is a Nobel Prize – winning organization that works to support human rights around the world. It is independent of any government or political party and has over a million members in 162 countries. Amnesty International works to free all prisoners of conscience anywhere in the world. These are people who are in prison because of their beliefs, colour, ethnic origin, language, or religion. Amnesty International tries to help these prisoners in two ways: first by publicizing their cases and, second, by putting pressure on governments to practice human rights.

2 WWF

WWF is the world's largest and most effective conservation organization. It is dedicated to protecting wild animals around the world and the places where these animals live. WWF directs its conservation efforts towards three global goals. Firstly, it works to save endangered species like the black rhino or the giant panda. Secondly, it works to establish and manage national parks and wildlife reserves around the world. Thirdly, it works to address global threats to our environment, such as pollution and climate change.

3 Crisis now

Draught and famine have come to Africa again this year, just as they have every year for the past fifteen years. In some parts of Africa it hasn't rained for three years. There have been no crops, and the animals on which many people depend died long ago. Refugees are pouring from the countryside into the towns in their desperate search for food, and it has been estimated that 1,000 people are dying every day.

We are supplying towns and camps with food and medical supplies but our efforts are drops in the ocean. We need a hundred time more food and

medical supplies, as well as doctors, nurses, blankets, tents, and clothes. Your help is needed now before it is too late. Please give all you can. No pound or penny will ever be better spent or more appreciated.

Tapescript 17 **CORPORATIONS**

Bill Waffen and Tom Gunnery are the names of two friends talking in the following conversation in which they discuss their new business.

WAFFEN: I think we should use a corporation instead of a partnership for our business. We need to limit our liability.

GUNNERY: You're right. Manufacturing and selling guns could be risky.

WAFFEN: They take liability pretty seriously here in Texas.

GUNNERY: So where should we put our factory?

WAFFEN: Well, we both live here in Brownsville; why not here? Cameron County is a good place to find cheap land and labor.

GUNNERY: Okay, Brownsville it is. So we're aiming to open ninety days from now, on June 30? Will that give us enough time?

WAFFEN: Oh, I'm sure that'll be fine. We need to get a few things cleared up now, though. You want to be the registered agent or me?

GUNNERY: I don't mind. I own a rental house at 346 Los Alamos. Why don't we use that as an office until we get on our feet?

WAFFEN: Okay. Then we'll call our gun line GUNNERY & WAFFEN.

GUNNERY: How many shares do you think we need at first? Let's keep it simple.

WAFFEN: How about ten thousand shares at a dollar each?

GUNNERY: Don't we need directors or something? And officers?

WAFFEN: Well, we can both be directors. We can decide later who's president. Maybe we can alternate every other year. What do you think?

GUNNERY: That's okay with me—but you've raised a good question. How long is this corporation going to last?

WAFFEN: Well, as long as we're making guns, I guess. Sound okay to you?

GUNNERY: Okay with me. Let's shake on it.

Tapescript 18

PRISON SYSTEM

GILES: We lock up more of our citizens than they do in any comparable country, with the sole exception of the United States. What on earth are we doing? This policy is a disaster for all concerned, whether they be prisoners, their dependants or their victims!

SANDY: Well, not entirely. You may think so but ...

GILES: Look, the defenders of this unjust and cruel system will tell you that "prison works", that "zero tolerance" of even the slightest misbehaviour will somehow magically solve all the problems of crime - despite the fact that study after study proves conclusively that most ex-prisoners are back in court within two years of their release, and that jailing youngsters who have committed minor offences does little more than turn them into hardened criminals ...

SANDY: ... In what are in effect universities of crime, where they learn new criminal skills, make underworld contacts for the future and so on. But, having said that, for those who have committed serious offences aren't a lot of people starting to feel that sentences should be much longer, that 'life imprisonment' should really mean that murderers stay in jail till they die?

GILES: I don't believe they've thought it through properly. Whenever you ask them where they would keep all these convicts spending maybe 50 or 60 years inside, their answer is simple: 'build more prisons'. But aren't these often exactly the same people who want the state to spend less, so that their taxes can be cut yet again? They know it costs a fortune to keep someone in jail, so what do they do? They call for more private prisons, that's what. Even though all the evidence shows that jails run for profit have an even worse record in terms of reforming prisoners, and that they have too few staff to prevent bullying, and everything else that makes our prisons so atrocious.

SANDY: They're not as bad as they were though, are they? I mean, they haven't been around for all that long and there were bound to be some teething troubles at first. Even their strongest supporters recognise that.

GILES: But conditions inside don't worry them, do they? In fact, they actually appear to believe that our jails are 'too soft', with too much emphasis on education and training, and not enough on punishment. They seem remarkably unconcerned, too, by the loss of the presumption of innocence, if their opposition to bail is anything to go by. Around 60 per cent of accused people held in prison awaiting trial are either later found

innocent, or not sent to prison. Like so much of what is now going on in the name of 'law and order', this is totally unacceptable in a society that likes to call itself 'civilised'.

SANDY: So what do you suggest then?

GILES: Well, in the first place we should be increasing the use of cautions for petty offences, especially for teenagers. To many of them it's a shock that they don't want to repeat. It avoids giving them a criminal record that could harm their future career. Among those convicted of more serious offences, there are, inevitably, a few whose crimes are so terrible that they must remain in custody for the rest of their lives, but the vast majority of prisoners would undoubtedly benefit from better preparation for life outside jail. This would include vastly-improved education and training, but also reasonably well-paid work, as they could then afford to compensate the victims of their crimes - and support their own dependants ...

SANDY: ... I'm sorry but I really don't like the thought of convicted criminals feathering their nests in jail, not while there are so many decent honest people out there in the community who can't find a well-paid job at all...

GILES: ... No no, I'm not talking about letting prisoners line their own pockets. What I am proposing is that they should be allowed to make just enough - and no more - to pay their victims and families. Because links with the outside, I'm utterly convinced, are vital. One of the worst effects of the rush to build new jails is that many prisoners are now held in remote parts of the country, too far away for friends and relatives to visit, with the resulting breakdown of marriages and friendships. This is crazy. We should be doing everything in our power to maintain prisoners' relationships, so that they have a world to go to on their release. And when I say 'release', I mean real freedom, not with Big Brother-style restrictions like electronic tagging or nine to seven curfews, but giving genuine support to help them rebuild their lives. This, of course, is a lot easier if their stay inside has not damaged them too much, so we need to make use of all the resources we have - and some more - to reduce prison overcrowding and combat evils such as institutional racism and violence ...

SANDY: ... No one could disagree with that ...

GILES: ... Above all, though, I believe passionately that the first challenge facing us is this: how to cut the number of people going to prison. There is clear evidence that constructive alternatives like probation and community service are far more effective in reducing re-offending, and we have a duty to get this message across to the public. I'm sick and tired of hearing politicians - and their friends in the media - using the threat to lock

up more people as a means of gaining a few more cheap votes. The prison system we've got doesn't work; it destroys. It destroys the lives of everyone it touches and should be a source of shame to every one of us.

SANDY: Well, that's one way of looking at it, I suppose...

Tapescript 19

THE US COURT SYSTEM

As you may already know, in the US we have two separate court systems: the federal and the... you're right, the state system. As for their specific activities, you need to know that federal courts hear criminal and civil cases involving federal law. And you might expect that they also hear cases that involve parties from different states, when the amount in dispute is more than \$10,000. Federal courts are known as the US District Courts. If you lose a trial in a US District Court, you may be able to appeal to the US Circuit Court of Appeals in your region. And there are 13 circuit courts. The court of final appeal is, of course, and you probably know this, the US Supreme Court.

Now, a few words about the court system. Most state courts... systems resemble the federal courts in structure and procedure. All states have trial courts. They're called county, or municipal courts, depending on the state. State courts are often specialized to deal with specific legal areas, such as family, traffic, criminal, probate, and small claims.

Er... Let's see what kind of cases the specialized courts actually hear. As expected, the family or domestic relations courts hear actions involving divorce, separation, and child custody. They may also hear cases involving juveniles and family offenses, for example fights within the family. What do you think traffic courts do? ... If you think they hear actions involving violations committed by people while driving motor vehicles, you're right again. Criminal courts hear cases involving violations of laws for which violators could go to jail. Probate courts... courts, excuse me, handle cases involving wills and claims against the estates of people who die with or without a will. And finally, small claims courts hear cases involving small amounts of money; and depending on the state, the maximum amount may be \$500, 750 or 1000. What's special about the small claims court is that individuals may bring cases to these courts without lawyers and the court fees are very low. And fees are really low in these courts, making them affordable to most people.

Now, let's look at the court system from a... a different angle. What can you do if you lose your case in a trial court? Of course you may appeal to an intermediate court of appeals or, in some states, directly to the state supreme court. If a decision of the state supreme court involves only state law, it can't be appealed any further. The highest court in each state has the final say on the interpretation of state laws and the state constitution, that is the laws and the constitution of each and every state. And finally, if a state supreme court decision involves some federal law or federal constitutional issue, it can then be appealed to the US Supreme Court.

Tapescript 20

AN INTERVIEW WITH A SUPREME COURT JUSTICE

INTERVIEWER: Thank you for meeting me this morning. Shall we get started?

JUSTICE CLASH: Yes, let's start.

INTERVIEWER: Okay. Woodrow Wilson once called the Supreme Court "the balance wheel" in our system. The Chief Justice before you used to say that the Court's function was nothing less than to be an arbiter among rival forces in our society. After many years of service on the Court, how do you see its role in our political system?

JUSTICE CLARK: Hm... Well. The Watergate case was a good example of the Supreme Court's responsibility to decide whether or not Congress or the president had exercised authority in a constitutional way. You should also remember that we on the Court serve another role. If the decisions of the other two branches are in keeping with constitutional doctrine, we use our authority to uphold these decisions. And if a citizen doesn't voluntarily follow the rules laid down by the Congress or by the president or by other courts, then it's our job to enforce those rules so that individual will be punished or reprimanded.

INTERVIEWER: I see. Justice Taft once said that courts are composed of people, and one would be foolish to deny that courts are not affected by the time in which the justices live. How much do you think the needs of the time affect the decisions of the Court? How is actually public opinion brought into the process of taking cases and making decisions?

JUSTICE CLARK: Good question. I served for 5 years on the bench and based on that experience I can tell you that I doubt if any public clamor or manipulation on the Court can really be effective. Oh, I did get quite a few letters from all over the country about various things, but I doubt

seriously that any of those things influenced my thinking on the legal matters that were involved. Yet we are influenced by the necessities of the time. Every year there are new cases, new people who come “knocking on our door” with constitutional questions that need to be resolved. Take for example the criminal field. We started out with the case of Griffin v Illinois in which Griffin said, "I'm being charged with murder, which is a felony, and I ought to be entitled to read the transcript of what went on in the courtroom. I'm just a layman and I couldn't remember everything. So without a transcript I wouldn't be able to appeal to a higher court." So when they came to us, on the Supreme Court, with their appeal, we ruled that defendants are entitled to a transcript. But once he got the transcript he really couldn't tell much about it without a lawyer and they came back to the court again. In an old case, before I became a justice, the Court had ruled that only in felony cases could a lawyer be appointed. Well, exceptions were made over the years as additional cases came before the Court, until we heard that Gideon case. In this case we ruled that everyone accused of a crime is entitled to a lawyer.

Now, as you can see, the Supreme Court really has had quite a role in expanding the rights of the accused, based on the types of cases brought to the court over time.

INTERVIEWER: But, I wonder, why weren't they brought before?

JUSTICE CLARK: Possibly they were, but not with the impact that they were brought to us.

Tapescript 21

AN INTERVIEW ON ATTITUDES TO THE COURTS IN BRITAIN

MODERATOR: Good evening and welcome to this week's programme of "Legal Issues". Our guest this evening is Professor Carol Evans, author of the study Pathway to Justice, the first survey of attitudes towards the legal system in Britain to be published. The study explores public confidence in the judicial system in this country an issue of special significance, which we are going to discuss in greater detail today.

So, for a start, Professor Evans, could you tell us something about the background to your study - what prompted it and how was it carried out?

PROFESSOR EVANS: Well, let me first thank you for inviting me to this week's programme... Now,... the question which you've raised is pretty serious, given the crucial role the courts have to play in protecting citizens

and enforcing rights... Willingness to use the courts is bound to be influenced by public confidence in them. It's precisely for this reason that the Pathway to Justice study, which I should say was funded by the Nuffield Foundation, was carried out. It aimed to reveal the public perception of the legal system and to some extent the reasons of people's attitudes to the courts. To be more specific, it was not facts concerning the legal system in this country that the study is about, but the way in which people perceive these facts.

MODERATOR: I see.

PROF. EVANS: As for your other question - how the study was carried out - this was a sociological survey, which involved questioning a representative sample of some 1,100 adults from different social backgrounds.

MODERATOR: Did all your respondents have some experience of the judicial system, I mean had they ever gone to court or needed legal advice?

PROF. EVANS: No, not all of them. In fact, only about one third of the respondents were speaking from experience. The rest, that is the other two thirds, simply gave the opinions they'd formed through the picture conveyed by the media... But, you see, this is what the study was about: to explore people's attitudes and perceptions, whether they were derived from hands-on experience or not.

MODERATOR: All right. Now, can we turn to the findings of the study. Am I right in saying that they are not particularly encouraging?

PROF. EVANS: Indeed, I'm afraid you're right. To put it bluntly, the study reveals a widespread lack of confidence in the judicial system. It shows that most people in Britain are reluctant to go to court, to court... to enforce or defend rights. It highlights a gap between people's perceptions, which are largely fuelled by the media, I must say, including television programmes - soap operas, and the like, and...

MODERATOR: Soap operas!

PROF. EVANS: Yes, they have quite an influence on many people... All right, so there seems to be a gap between this media-induced perception and what people actually find if they do end up going to court.

MODERATOR: But why do people have so little faith in the courts?

PROF. EVANS: Well, there are a number of reasons. First, there is a lack of confidence in the fairness of the system and the outcome of court proceedings. People have concerns about the way the system works. As a matter of fact, only a very small majority, 53 per cent to be exact, were confident of a fair hearing. Second, there's a widespread belief that the cost of legal advice is unaffordable for most people.

MODERATOR: Unaffordable costs. Yes. If you ask me, I'd certainly agree with this, and I'm speaking from experience. Actually, Professor, can you tell us how widespread this belief was found to be?

PROF. EVANS: Certainly. The figures show that three out of four respondents thought that lawyers' charges were not reasonable. Sometimes such concern came from their own experience, but it also came from articles that appeared in the press. Various reports of fees paid to "fat-cat lawyers" we read about every now and then. All these add to concerns about the unaffordability of legal advice for most people.

We do have to admit that solicitors' bills sometimes rise to astronomical levels. One respondent had just read about the £400,000 paid to solicitors by two members of the British Royal family recently. No wonder, he exclaimed "God, how much would they charge me?"

MODERATOR: How much would they charge me?

PROF. EVANS: Or any of us, for that matter. And this brings me to one other aspect that has emerged from the survey. A strong feeling that the wealthy have an advantage. A belief that judges will serve the interests of the wealthy. Almost three quarters of respondents agreed that, I quote: "the legal system works better for the rich than the poor." High quality legal advice, which can ensure success in legal proceedings, is expensive.

MODERATOR: So, those who can afford to pay have an advantage.

PROF. EVANS: Precisely. As one person said, "Money talks."

MODERATOR: Are there any other significant aspects that the study has revealed?

PROF. EVANS: Yes, I think it would be interesting to mention what the common perception of judges is. Two in three respondents agreed strongly with the statement that "most judges are out of touch with ordinary people's lives." This view crossed social boundaries irrespective of experience of the legal system. The study consistently revealed a perception of judges as old, remote, inconsistent and prone to making insensitive comments.

MODERATOR: How do you account for this widespread view?

PROF. EVANS: I touched a bit upon this in what I said earlier. Remember only a few of respondents had ever met or appeared before a judge, but everyone had a view. The explanation must be, again, the influence of the media. Several respondents exhumed ancient examples of cases reported in the media that had made a deep impression. Others admitted straight out that their stereotype came from the telly, where judges were always portrayed as 70-plus, wrinkly, upper-class fellows.

MODERATOR: To what do you attribute this strong influence of the media on the public imagination?

PROF. EVANS: Well, we're all aware that the media, television in particular, play an extremely important part in shaping the public's views and attitudes. But in this case I think that their influence comes mainly from an absence of any competing accurate and regular information flow. Not surprisingly, the study also found widespread ignorance. For example, most people did not distinguish between civil and criminal courts.

MODERATOR: That's interesting.

PROF. EVANS: That's right. The public image of a court is that it's the place where criminals are tried. Questions in the study related to the civil courts, but the instinctive response was to refer to aspects of the criminal courts. This means that for most people initiating, or considering initiating, court proceedings - let alone being the subject of civil court proceedings - involves a sense of being involved in wrongdoing and a fear of punishment.

MODERATOR: You mean that most people associate going to court with the idea of being tried and sentenced for a crime?

PROF. EVANS: Yes. Quite often respondents would say something like "I've never had to go to court because I've never done anything wrong, thank goodness". The common feeling was that courts are there to punish people who have done had things.

MODERATOR: But shouldn't something be done to educate people in this respect and help them become aware of the different aspects of our legal system?

PROF. EVANS: By all means. This is one of the main conclusions of the study. People need to be informed accurately about the courts and various matters of law. There are challenges here for the Community Legal Service, courts, schools and judges, to co-ordinate a programme of public education in order to provide a better understanding of matters that are fundamental to citizenship.

MODERATOR: I fully agree with you, Professor. As a matter of fact, our channel is ready to contribute to such an educational programme. And I'd like to inform our viewers that we are starting today a series of mini-documentaries on aspects of the legal system in this country.

So, thank you very much, Professor Evans, for sharing with us the findings of your study, and let's now watch the first documentary in the series we have prepared.

Tapescript 22

SUPER-TERRORISM

Terrorism has always been a serious issue, but the days when it involved small-scale bombing and assassination could be over, the future of terrorism is far more alarming.

Fears of serious terrorism are wrongly centred. People always panic about the possibility of terrorists getting hold of nuclear weapons, but in fact, the technology is very difficult to access.

Another worry people often have concerns the possibility of our water supplies being poisoned. This is also impossible, as ant-bacterial filter systems in reservoirs have been carefully designed to make poisons ineffective. The real threats are cheaper, more direct, and far more effective. The advancement of technology perfectly suits the purposes of terrorism: why bother trying to create your own nuclear weapons, for example, when you can blow up a nuclear power station instead? After all, it has been conveniently put there for you by the government.

One major factor that has made terrorism so much more effective has been the alarming rise in “suicide terrorism” cases, such as the bombings in Israel, opening up endless possibilities for terrorists. One scenario has them hijacking a passenger jet and crashing it into a nuclear power plant—a prospect so alarming that the designers of one nuclear plant in America actually crashed a light aircraft into their own reactor to see how well it could withstand the impact. The damage was minimal, but nobody has ever tried the experiment in Boeing 737 travelling at 6000mph! It is certainly a terrifying possibility because, while a fission reactor can not explode like a bomb, it can experience what is known as “meltdown”. This is when the highly radioactive core melts under intense heat and burns through the ground and into the water table below, causing widespread nuclear contamination.

Biological warfare is another frightening prospect, especially as biological weapons are cheap to make, and therefore attractive to terrorist organizations. The effects are potentially devastating. One detailed American study looked at the test case of a small boat spraying anthrax spores into a light south-easterly breeze from the southern tip of Manhattan island. Anthrax is an airborne disease which is almost always fatal to humans. The report states “if only target personnel are exposed: if only half of those develop pulmonary anthrax: if only half the cases result in death, more than 600,000 deaths would occur.” The terrorists could also be long gone by the time the anthrax symptoms were identified in the victims.

Chemicals weapons are also cheap, and easy to get hold of. Once again technology has potentially aided the terrorist: air conditioning systems could provide the perfect way of distributing dangerous gas extremely quickly through a building. A mock chemical attack by the security services on the air conditioning systems of the White House and Capitol Hill in the late 1970's proved alarmingly successful. Had it been real, the President and the entire congress would have been killed. Gas has already been used in terrorists attacks. In 1995 religious fanatics released deadly sarin gas in the Tokyo subway. Twelve people died and more than 5,500 were injured, suffering temporary or even permanent blindness.

Tapescript 23

TREATIES ESTABLISHING THE EUROPEAN UNION

My presentation today focuses on treaties establishing the European Union. I'm going to talk about first the founding treaties and related treaties in order to give you a historical background beginning with-1951. It's worth remembering that the European Court has stated on several occasions that you could consider the founding treaties as a Constitution of the European Union.

First of all, it's important to remember that the present European Community and European Union originated in the European Economic Community (EEC) established in 1957 by the Treaty of Rome. The treaty provided for customs union and a common market that is... that is the free movement of goods, persons, services and capital for the six signatory states. As you probably recall, these states were Germany, France, Italy, Belgium, the Netherlands and Luxembourg. In fact, before the treaty of Rome these states had created the European Coal and Steel Community (ECSC) as early as 1951. Six years later, the European Atomic Energy Authority, commonly abbreviated to Euratom, was established in Rome.

This stage in the development of the European Community was followed by several treaties of accession by which the Union came to be extended to the present number of 15 member states. The United Kingdom, Denmark and Ireland joined in 1973. Further accessions took place in 1981 - Greece, 1986 - Spain and Portugal, and 1995 - Austria, Sweden and Finland.

Alongside the concerns for incorporating other states in the European Union, there was constant preoccupation with improving the functioning of the Union itself. This was reflected in a series of treaties amending the main

treaty. This brings us to the Single European Act, SEA for short, in 1986, the TEU, the Treaty on European Union, also known as the Maastricht Treaty, in 1993, and the ToA or the Treaty of Amsterdam in 1997. The Single European Act provided the mechanism to complete the single or internal market, an area without internal frontiers, while the Maastricht Treaty created a three-pillar structure. After amendment by the Treaty of Amsterdam, these three pillars are: the EC itself, co-operation in matters of foreign and security policy, and co-operation in justice and home affairs.

The Maastricht Treaty provided for both political and monetary union. The United Kingdom "opted out" of the Monetary Union and the Agreement on Social Policy. The changes introduced by the Maastricht Treaty were reviewed in an Intergovernmental Conference leading to the finalisation of the Amsterdam Treaty in June 1997. Ratification by all member states was completed on May 1 1999, when the Treaty amendments came into force.

Let's turn now to the Schengen Agreement. By this, participating states agreed to relax border formalities on the movement of people. The United Kingdom and Ireland have opted out of Schengen, and Denmark has obtained various exemptions. The Schengen framework was incorporated into EU law by way of a protocol to the Amsterdam Treaty.

Before concluding my brief overview, I would like to mention that the European leaders at Amsterdam were unable to agree on institutional reform, a major need felt by both member states and candidate ones. Some of the issues were discussed in December 2000 at the Nice summit.

To sum up, the treaties establishing the European Union have been subject to a continuous process of amendment, in parallel with the enlargement of the Union itself, from the initial number of six states to the present structure of 15 member states.

All right, then. Before we move on to the contents of the new legal order that the European Union relies on, I would welcome comments or questions related to the issues I've presented so far.

Tapescript 24

NEWSCASTER

EU Economic and Finance Ministers meet in Brussels today to agree on new rules aimed at stamping out fraud in the European Union, which is estimated to cost taxpayers £1.2 billion pounds a year. A European Commission report reveals that the cost of fraud in the EU has doubled over

the past year and that much of it is carried out by organized crime syndicates. According to the report, almost 50% of the fraud cases were in the agricultural sector, which receives half the EU's total budget of £67 billion a year. The Commission has warned that unless countries get back more of the money which is lost in fraud, the payments they receive from the EU will be frozen.

Figures released by the British government today show a fall of 18,900 in the number of unemployed. The Employment Secretary welcomed the figures and said that the unemployment total of 2.3 million was the lowest for almost four years and showed that economic recovery was continuing. Most of the new jobs are in the manufacturing sector, which has grown for the fifth month in succession, the first time this has happened since the boom of 1988. Department of Employment officials have forecast that unemployment will continue to fall by between twenty and twenty-five thousand a month.

Governments in the UK, Ireland, and the Netherlands are under strong pressure to reduce high levels of tax on alcohol and tobacco. At a conference in London today, European alcohol and tobacco companies called for an end to the wide differences in taxation between EU member countries. The companies said that they had lost millions of pounds in revenue since 1993, the year when the Single market came into operation, because more and more people were buying large quantities of alcohol and cigarettes from countries where tax rates were lower. The European Commission wants tax levels to be harmonized throughout Europe but thinks this is at least twenty years away, as the consequence of reducing taxes on alcohol and tobacco will be an increase in income tax.

A new campaign to curb smoking in public places has been launched in Britain. The aim of the campaign is to improve the quality of life of non-smokers, who are now estimated to be 70% of the population. In a recent survey carried out for the Department of the Environment, four out of five people said they preferred smoking in public places to be restricted. One in five people said they were in favor of a complete ban. The Environment Minister stressed that the government was not asking people who smoke to give up, but only to help improve conditions for the majority who did not smoke.

Tapescript 25
AN INTERVIEW WITH MRS. THATCHER

This is an extract from an interview that Mrs. Thatcher gave to the London Broadcasting Company (LBC). Mrs. Thatcher had said that she was a great admirer of Victorian values. The interviewer asks her why this is so.

T Well, there's no – there's no great mystery about those. Erm, I was brought up by a Victorian grandmother. We were taught to work jolly hard: you were taught to improve yourself; you were taught self-reliance; you were taught to live within your income; you were taught that cleanliness was next to godliness; erm...you were taught self-respect; you were taught always to give a hand to your neighbour; er, you were...taught tremendous pride in your country; you were taught to be a good member of your community. All of these things are Victorian values.

I The Victorian values also seemed to encompass –

T - But they are also perennial values, as well.

I But they encompassed as well workhouses and – and shocking conditions in industry, all sorts of deplorable things that are also a part of the Victorian scene.

T There's some values which are eternal, and in fact you found a tremendous improvement in conditions during Victorian times, because people were brought up with the sense of duty. I was brought up with a very strong sense of duty, and part of the sense of duty was that if you were getting on better, so you turned yourself to help others, that as you did better yourself, so you had a duty to your community to turn to help others. And so, as you got an increasing prosperity during Victorian times, and as you got an immense national pride during Victorian times, so as you got greater prosperity, so you had a duty, voluntarily, to help others. As many of the very good things, improvements, that were made, er were made voluntarily in those times er – for example er – people built hospitals, voluntarily hospitals erm – many of the church schools were built during that time, many people say we simply must do better with the prisons, a better prison system, prison reform. But it came from this tremendous sense of reliance and duty. Erm you don't hear so much about those things these days. But they were good values, and they led to tremendous improvements in the standard of living.

I So that's what you're trying to get back to, that's what you'd like to see happen, a society where we had those sorts of value, where perhaps the state steps back again the, and individuals get far more involved?

T What I am saying is that I think there are some values which are eternal, and I think the ones that I've indicated are.

I Yes, what kind of society does that result in if people adopt those values, then we have –

T Well, if I might say so, a very good society. If people are self-reliant, self-respecting, if they always lend a hand to others, if they wish always to improve themselves and work very hard to do it, if they reckon they've got to be very good members of the community, not because anyone tells them to, but because that's the way we live, and if they live within their income, and save, and that saving there is therefore for investment, if they're prepared to take responsibility for their own actions and responsibility for their own families, er... and to respect other people's rights, it seems to me that you have the basis of an excellent society.

You asked me how I see life quite apart from those things. I am very keen that every person should have the opportunity to be what I would call a man or woman of property...

I ...own their own house...

T Therefore...you start by owning your own house. We're nearly up to sixty per cent, it is tremendous, because people – er, a man of property isn't someone else, it's oneself. And so therefore if you have a chance to own your own house then it gives you an interest in the future, it gives you respect for your own property, it gives you ability to improve your own standard of living and housing, and to respect other people's property, and you'll have something to hand on to your children and grandchildren in years to come. This is the kind of independence, this is the kind of personal initiative and personal choice, which I believe is the kind of independence which used to belong to a few people, which I want to extend to the many.

I Right. You'd like everybody to have the freedom of choice to buy their own property, probably to – to choose the kind of education their children have, to choose the kind of medicine in which – er – their family partakes, whether private or National Health, but surely those kinds of advantages, to return to what we said earlier, are only offered to those with, offered to the "haves", not to the "have-nots", not to people without jobs. They're for people with money.

T But with all due respect, we unfortunately have just over three million unemployed in this country, and we have between - twenty-two to twenty-three million people who are working. Nearly sixty percent of the houses in this country are now owner-occupied, er... many, many more people are applying to buy their own homes. I'm trying to make certain that people who save – the value of their savings, is kept. Wouldn't life have

been very much different for many of our old folk if the money they'd put aside out of very much lower wages in Victorian values, years ago, had in fact kept its value because we'd had governments which tried to keep within inflation down? We'd had a very, very much better society, and we wouldn't have cheated those old people of the value of their savings.

Tapescript 26

GENERAL ELECTION

Q In our radio car we have Geraldine Faulkes who is on the campaign trail in the constituency of Liverpool north east. Good morning, Mrs Faulkes.

MRS FAULKES Good morning, John.

Q Now, Mrs Faulkes. It's only three weeks till the general election. How's the campaign going?

MRS FAULKES I am fully confident that the Conservative party will win this general election and that the people of this country will welcome five more years of good Conservative Government.

Q I see. Now I believe that your party is promising tax cuts if it wins the election.

MRS FAULKES That's right, John. We are the party of low taxation and we believe that our economic policies over the past five years have been the right policies. Our economy is growing stronger and now is the right time for income tax cuts.

Q But Mrs Faulkes, you said that five years ago when you were campaigning for the last general election. You said you would lower taxes five years ago, but you didn't, did you?

MRS FAULKES Our economic policies over the last five years have given us one of the strongest economies in Europe with some of the lowest interest rates. We said that we were going to lower interest rates at the last election and we have delivered our promise. And what's more we believe that interest rates will remain low if we are elected for another term.

Q But I don't think low interest rates are the same as lower taxes. You said you would lower taxes and you didn't. Why should we believe you this time?

MRS FAULKES The economy of the country is now very healthy thanks to good government, and I believe that now is the time for tax cuts.

Q Some people might think that you're just saying that so that you get re-elected. ... But what about your other policies? What is your policy on

health? With hospitals closing down and people having to wait years for hospital treatment. Will there be more government spending on healthcare?

MRS FAULKES This country enjoys the finest healthcare system in the world. The healthcare system is safe in the hands of the Conservative party.

Q But five years ago you said you were going to spend more money on healthcare, and you didn't. Now we have fewer hospitals and waiting lists are enormous. Hospitals are also understaffed because there isn't enough money to pay the doctors and nurses ...

MRS FAULKES In the last five years we have spent more on the healthcare system than the Labour government spent in their last 10 years.

Q But the Labour Party was in power over 12 years ago and with inflation and the higher cost of living you can't really compare spending 12 years ago and today can you? And what about money for medical research? Will you be spending more money on medical research if you win the election?

MRS FAULKES Yes, we will. Part of our increased spending on healthcare will go towards medical research.

Q I see. Now unemployment has been an on-going problem. How about unemployment and poverty? What would a new Conservative government do to tackle these problems?

MRS FAULKES Unemployment has been falling steadily over the last five years thanks to our training schemes for young people.

Q But those training schemes just keep young people out of the unemployment statistics for a few months. Very few of them get jobs at the end of the schemes. At the last election you said you were going to cut unemployment. In fact, all you did was to play with the statistics to make it look as if unemployment was falling.

MRS FAULKES We provided good training schemes for the unemployed.

Q Well what about more action on poverty? Five years ago you said you were going to make this a fairer society with less poverty. But in fact you have reduced government spending on the poor. ..

MRS FAULKES I firmly believe that people are happier when they have earned what money they have. By reducing government handouts we have encouraged people to find themselves jobs. We believe in making people independent and we believe that is what they want.

Q But if there are no jobs for them to go to, what are they to live on?

MRS FAULKES There are jobs if they look hard enough.

Q And what about your party's attitude to Europe? There's been a lot of argument in the party recently about whether we should have closer links with Europe. Is the party still divided on this issue?

MRS FAULKES There are no divisions within the Conservative Party. We are united in our belief that we will maintain close links with Europe in the future. But a close relationship with Europe doesn't mean that we will hand over government of this country to a central European government.

Q Mrs Faulkes. We have run out of time. Thank you very much.

MRS FAULKES Thank you.

Q Now in our Leeds studio we have Alan Greenwood, leader of the Opposition ...

Tapescript 27

THE HISTORIC MP

INTERVIEWER: So, Diane, when did you first become interested in politics?

DIANE ABBOTT: I've always been interested in politics, as um, far back as I can remember. Um, I used to listen to the radio, my mother used to listen to the eight o'clock news on Radio Four every morning, when she was combing my hair when I was a little girl, I used to listen to that avidly, and form sort of views on the world and what I would do if I was Prime Minister, and um, I remember one of my earliest ambitions was to be Secretary-General of the United Nations.

INTERVIEWER: What do you, what would you think is the strongest influence in your life towards what you're doing now?

DIANE ABBOTT: The fact that I'm a black person, and the fact that I come from an underclass in British society, and the fact that because I was black I was exposed very early to unfairness and injustice.

INTERVIEWER: You've been an MP for five or six weeks now. Is it as you expected it to be?

DIANE ABBOTT: I had an idea of what being an MP was like. I had been on a local authority for four years, and as a journalist and as a political activist I'd visited the House of Commons, so it is more or less what I expected.

INTERVIEWER: What do you like about the job?

DIANE ABBOTT: I like the opportunity to put my political principles into practice, I like meeting people, and I'm pleased to be able to fulfil the hopes, aspirations of so many people.

INTERVIEWER: And how about the things that you dislike?

DIANE ABBOTT: I dislike the fact the House of Commons in many ways is a very amateur place, I still haven't got a desk or a telephone, which makes it very difficult to work. I dislike the kind of 'clubby' atmosphere, it's a bit like a gentleman's club, and I really came there to do a job of work, and I dislike - there's an awful lot of backbiting goes on there, and I dislike that.

INTERVIEWER: You still haven't got a desk after six weeks. Is . . . Any idea when you will get a desk, and a telephone?

DIANE ABBOTT: I'm told that I won't get one now until October, if then.

INTERVIEWER: Which is, er, another three months' time.

DIANE ABBOTT: That's right.

INTERVIEWER: Are you, um, getting fed up with questions about being Britain's first black woman MP?

DIANE ABBOTT: Oh yes, I mean my big ambition now is, is for there to be a time when being a black woman MP is as unremarkable as being a male Welsh MP.

INTERVIEWER: What do you think of your fellow MPs?

DIANE ABBOTT: Well, it's, it's the most male-dominated place I've, I've ever worked in, and it's an odd place really, because I'm thirty-three now, thirty-four in September, and almost anywhere else in the real world I'm sort of middle-aged, but in the House of Commons I'm a sort of bright young thing, because most people are in their fifties and sixties.

Tapescript 28

THE PRIME MINISTER'S PAY RISE

I – Interviewer

PM – Prime Minister

I We are very pleased to have with us in the studio tonight the Prime Minister, who has very kindly found time to come to explain to us his point of view on the crisis that is facing his government. Prime Minister, good evening.

PM Good evening. May I say straight away that this is not a crisis. The situation is very much under control, and the vast majority of population do in fact support this government and the action -

I Prime Minister, if I may say, I'd like to put a question to you. Your government has announced that there can be no pay rise increases above four percent for the next financial year, and although this has been difficult for many workers in a year where inflation has been six percent, teachers, nurses, and miners have all settled for four per cent. Then suddenly we hear that Members of Parliament have voted for themselves a pay rise of thirty-five per cent. How can you justify this?

PM Let me say first of all that the pay rise would in fact be nearer twenty per cent. The rest of the money would be for a politician's many expenses, such as air fares, personal secretaries, and of course a large entertainment budget. You can't expect a Member of Parliament to travel second class, and eat in second-class restaurants, and do a first-class job.

I But Prime Minister, you're still expecting the public to accept that a politician's pay rise should be five times higher than anyone else's. Is that fair?

PM Two points will answer your question. Firstly, when the opposition party were in power they allowed a Member of Parliament's salary fall away behind the national average. This was a terrible thing to do, and yet again, my party is having to correct the mistakes of the previous administration. Secondly, I don't think people realize just how difficult it is to be a politician. All those late nights, receptions, and the decisions that have to be made, make life very difficult. If we were in industry, we would without doubt be earning figures vastly excess of what we are prepared to accept.

I And would the Prime Minister also be getting an increase of twenty per cent?

PM No.

I Ah! Are you going to get less?

PM No. The responsibilities that a Prime Minister has to carry are enormous. You must understand the pressures of the position.

I Are you prepared to say what the increase might be?

PM I, of course, could not vote for my own salary increase, but my colleagues and members of the Cabinet suggested that, given the sacrifice of one's private life, the endless dedication to duty and public service, and the need to attract the very best person for the job, they suggested that the Prime Minister's salary should be review separately.

I Are you prepared to tell us what the proposed salary would be?

PM I don't think this is the right moment to make such an announcement, do you? It will be announced to the House in the near future.

I Very well, Prime Minister. Thank you very much.

Tapescript 29
AN INTERVIEW ON HUMAN RIGHTS

INTERVIEWER: Now, at the turn of the millennium, it is perhaps important to look back over the centuries in order to see how human rights and liberties have been protected and guaranteed in legal and political documents. That's why I invited Prof. Douglas Holmes, a well-known specialist in the area, here today. Hello, Prof. Holmes.

PROF. HOLMES: Hello.

INTERVIEWER: Perhaps you could start by defining the concept of human rights.

PROF. HOLMES: Well, this term refers to the rights and freedoms to which all human beings are entitled. The idea underpinning it is a very old one. In fact, you sometimes suggested that human rights are so fundamental, that they form part of the natural law.

INTERVIEWER: Human rights and freedoms are now guaranteed by various documents at national and international level. Has it always been the same? I mean...have human rights always been spelled out in documents?

PROF. HOLMES: Well, Bills of rights have long been familiar to English people and Americans. The New World settlers surely knew the history of Magna Carta, of the Petition of Rights and of the Bill of Rights in their mother country. But American Bills of rights were the first, historically speaking, to become part of the Constitution.

INTERVIEWER: Could you enlarge a little?

PROF. HOLMES: Yes, certainly. The first and most famous of these bills was the one drawn up by John Mason and adopted by the Virginia Assembly on June 12, 1776. This eloquent document, known as the Virginia Bill of Rights, starts with the famous statement" ...all men are by nature equally free and independent and have certain inherent rights..."

INTERVIEWER: Er... Did the Virginia Bill of Rights have any impact at that time?

PROF. HOLMES: A great impact, we could say. This statement of fundamental rights was widely copied not only in America, but also abroad: it was especially popular in France and contributed to the later French Declaration of the Rights of Man.

INTERVIEWER: I must confess my ignorance. I didn't know a thing about the Virginia Bill of Rights.

PROF. HOLMES: Well, I'm pretty sure you have heard, though, about other famous American documents.

INTERVIEWER: You mean the Declaration of Independence and the Constitution?

PROF. HOLMES: Yes, that's what I had in mind.

INTERVIEWER: As you were quoting that article from the Virginia Bill of Rights, I couldn't help remembering quite a similar passage from the Declaration of Independence. I quote: "We hold these truths to be self-evident, that all men are created equal,...

PROF. HOLMES: ... that they are endowed by their Creator with certain unalienable Rights, that among these are Liberty and the pursuit of Happiness." The similarity comes from the fact that the underlying principles of the Declaration of Independence are based on the idea of natural, God-given rights, just like those of the Virginia Bill of Rights.

INTERVIEWER: When was the Declaration adopted?

PROF. HOLMES: The Declaration, drafted by Thomas Jefferson, was adopted on July 4, 1776. And since 1783, July 4 has become the most important holiday in the USA - Independence Day.

INTERVIEWER: Aha. And what can you say about the US Constitution? What rights does it include, for example?

PROF. HOLMES: The Constitution of the US established, in Lincoln's words, a system of government, "of the people, by the people, for the people." Hence its well-known preamble "WE THE PEOPLE of the United States, in order to form a more perfect Union..." When the Constitution became the fundamental law of the USA, on March 4, 1789, it didn't include a series of individual liberties. During the ratification debates, however, it became evident that such a bill of rights was necessary. In 1791, the First ten amendments, known as the Bill of Rights, we've added, to be followed by many others.

INTERVIEWER: Yes, of course, to these we should add the rights protected by the Bill of Civil Rights in the 60's.

PROF. HOLMES: Yes, that bill was signed by President Lyndon Johnson on July 4, 1964 and it helped eradicate any racial or religious discrimination or segregation.

INTERVIEWER: So far we've been talking about the US. How are human rights promoted and protected in other countries of the world?

PROF. HOLMES: Well, it would take hours or even days just to give a brief mention of the specific steps made by each and every state to ensure and protect rights and freedoms for its citizens. So..., so as not to bore you, I shall refer only to the common efforts made by the states of the world to guarantee human rights.

INTERVIEWER: What events do you have in mind?

PROF. HOLMES: First of all, the fact that in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which spells out most of the main rights that must be protected throughout the world.

INTERVIEWER: It seems to me that, if such a declaration exists, then why are there so many infringements of Human rights worldwide?

PROF. HOLMES: The UN Declaration is not, unfortunately, a legally binding document. That's why, in 1966, the General Assembly adopted two international covenants placing legal obligations on the states ratifying them: firstly, the International Covenant on Civil and Political Rights and the other, the International Covenant on Economic, Social and Cultural Rights.

INTERVIEWER: All's well in theory, but how is the implementation of these rights practically monitored?

PROF. HOLMES: Good question. The United Nations, has set up a Commission on Human Rights, which has the power to discuss gross violations of human rights and liberties

INTERVIEWER: Yes, aha, I see Are there any regional Conventions on human rights?

PROF. HOLMES: Yes, there're several, but the best known are the European Convention for the Protection of Human Rights... Human Rights and Fundamental Freedoms, and the Inter-American Convention of Human Rights.

INTERVIEWER: Aha... Can we stick to Europe this time? Let's stick to Europe this time. Could you give more details about the European Convention on Human Rights?

PROF. HOLMES: Certainly. It was originally formulated in 1950, and came into force on September 3, 1953. And it aims at protecting the human rights of all people in the member states of the Council of Europe.

INTERVIEWER: And are there any institutions that protect these rights and freedoms of all people?

PROF. HOLMES: The Commission on Human Rights and the Court of Human Rights in Strasbourg.

INTERVIEWER: And how exactly do these institutions work?

PROF. HOLMES: Well, if a complaint is judged to fulfil certain conditions that make it admissible, the Commission places itself at the disposal of the parties in an effort to achieve a friendly settlement.

INTERVIEWER: And what happens if this sort of fails?

PROF. HOLMES: Well, in that case, the Commission sends a report to the Committee of Ministers of the Council of Europe, The case may then be

brought before the Court of Human Rights, provided the state against which the complaint is made has accepted the Court's jurisdiction. The Court has power to make a final ruling, which is binding on the parties.

INTERVIEWER: Thank you very much, Prof. Holmes. What you've said has been most interesting.

PROF. HOLMES: Thank you.

Tapescript 30

CENSORSHIP AND DEMOCRACY

OMAR: Basically, my view is that if you don't have censorship in a state, you will have something worse.

ISABEL: What exactly do you mean by "something worse"?

OMAR: Well, although you might say that with censorship you've got the government restricting the rights of ordinary citizens, without censorship you could have some other force, outside the government, attempting to do that.

ISABEL: So you're saying that having censorship is more democratic than having complete freedom?

OMAR: Well, I wouldn't put it quite like that. It depends what you mean democratic. If you mean democracy in the ideal sense of everyone being able to do whatever they like, OK, I would say that you can't have that and have censorship. But I think true democracy doesn't exist. That kind of democracy is really just anarchy.

ISABEL: So, just to make sure I've got this right, your point is that real democracy – as it might exist in the real world – works better if you have censorship.

OMAR: Yes, that's right.

ISABEL: OK. But can I just check a couple of things that still aren't clear to me – you said that without censorship, there might be some other force that would be free to act against the interests of the ordinary citizens?

OMAR: Right, yes, I mean, for example, that unless you ban, let's say, pornography, you allow some people in a society to exploit some of the others, and there's nothing they can do about it. Pornography is against the rights of women, so it shouldn't be allowed, it should be censored. Or take propaganda from the government in another country. If those sort of lies are allowed into your own country, it will make people turn against their own government just so that the foreign government can come and take over.

ISABEL: All right, I get the idea. But I think there's more to it than that. You're assuming that governments will always act in the best interests of their citizens.

OMAR: Yes, in my country this is always so.

ISABEL: That may well be so, but does it mean that will be the case in all the countries of the world? Isn't censorship a two – edged sword? Isn't it possible that censorship can be used to restrict the rights of ordinary citizens, not just protect them in the way you've been describing.

OMAR: Well, I'm not sure exactly what you mean. Please give me an example of the sort of problem you're thinking of.

ISABEL: Fine. Let's take a country where a dictator gets into power. Maybe the dictator is in fact a necessary evil at that time – maybe for various reasons, the country needed a very strong leader to sort out its problems. But what often happens in such a situation is that the dictator continues to hang on to power long after he should – when the country would in fact become far stronger if it became more democratic. Some of the citizens realize that this is the case, and start to speak out. They write in the newspaper, talk on the radio and TV. So what does the dictator do? He censors them. And what is the result? Less democracy, not more.

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