Задания для самостоятельной работы

Текущий контроль успеваемости, т.е. проверка усвоения учебного материала, регулярно осуществляется на протяжении семестра. Текущая самостоятельная работа аспиранта направлена на углубление и закрепление полученных знаний, а также развитие практических навыков по поиску, анализу и структурированию необходимой информации.

***1.1. Вопросы для текущего контроля***

1. What are, in your opinion, the advantages and disadvantages of: 1) coded systems of law; 2) traditional common law systems?
2. “The common law was developed by practicing lawyers and judges rather than academics, and that is only too painfully obvious!” Discuss.
3. Where more than one judge has heard a case, should the reasoning of the individual judges be kept secret or does publishing each judge’s opinion enhance law reporting?
4. Is it better to train law graduates directly as judges or to select judges from those who have worked for years as advocates?
5. Is it useful to have a system of binding precedent?
6. Is jury trial the best way to try cases?
7. What are, in your opinion, the advantages and disadvantages of: 1) coded systems of law; 2) traditional common law systems?
8. “The common law was developed by practicing lawyers and judges rather than academics, and that is only too painfully obvious!” Discuss.
9. Where more than one judge has heard a case, should the reasoning of the individual judges be kept secret or does publishing each judge’s opinion enhance law reporting?
10. Is it better to train law graduates directly as judges or to select judges from those who have worked for years as advocates?
11. Is it useful to have a system of binding precedent?
12. Is jury trial the best way to try cases?

***1.2.Типовое практическое задание***

**From the list of legal terms that follows, select the one that matches each definition.**

**a**. acquitted

**b.** actionable

**c.** assault  
**d.** battery

**e**.conversion

**f.** damages

**g.** deceit

**h**. defamation  
**i**. emotional distress  
**j**. false arrest  
**k**. false imprisonment  
**1**. fraud  
**m**. intentional torts  
**n**. invasion of privacy  
**o**. libel  
**p**. malicious prosecution

**q**. misrepresentation  
**r**. nuisance  
**s**.per se  
**t**. private nuisance  
**u**. public nuisance **v**.right of privacy  
**w**. scienter  
**x**. slander  
**y**. tortious  
**z**. trespass  
**aa**. trespass de bonis asportatis  
**bb**. unintentional torts **cc**. waste  
**dd**. willful torts

\_\_\_ 1.The wrongful act of damaging another’s character or reputa- tion by the use of false statements.

\_\_\_ 2. Defamation that is communicated by a writing or other means that is directed toward the sense of sight.

\_\_\_ 3. Defamation that is communicated by the spoken word. \_\_\_ 4. In and of itself; taken alone.  
\_\_\_ 5. Prosecution begun in malice without probable cause.  
\_\_\_ 6. The intentional and unauthorized entry on the land of an-

other.  
\_\_\_ 7. The wrongful exercise of dominion and control over the

personal property in another’s possession.  
\_\_\_ 8. Wrongful; implying or involving tort.  
\_\_\_ 9. Torts that are committed intentionally (select two answers). \_\_\_ 10. The intentional contact with another person without that

person’s permission and without justification.  
\_\_\_ 11. The intentional creation of a reasonable apprehension of an

imminent battery.  
\_\_\_ 12. The intentional confinement of a person without legal jus-

tification (select two answers).  
\_\_\_ 13. A misrepresentation of a material, existing fact, knowingly

made, that causes someone reasonably relying on it to suffer

damages (select two answers).  
\_\_\_ 14. A false or deceptive statement or act.  
\_\_\_ 15. The monetary loss suffered by a party as a result of a wrong. \_\_\_ 16.Discharged from accusation.  
\_\_\_ 17. Furnishing legal ground for a lawsuit.  
\_\_\_ 18. Trespass for goods carried away.  
\_\_\_ 19. Emotional suffering caused by the infliction of extreme and

outrageous intentional conflict by another. \_\_\_ 20. Knowingly.

\_\_\_ 21. Torts that are committed accidentally.  
\_\_\_ 22. A violation of the right of privacy.  
\_\_\_ 23. The use of one’s property in a way that causes annoyance,

inconvenience, or discomfort to another.  
\_\_\_ 24. A nuisance that affects the community at large.  
\_\_\_ 25.The right to be left alone, the right to be free from uncalled-

for publicity, and the right to live without unreasonable

interference by the public in private matters.  
\_\_\_ 26.The abuse or destructive use of property that is in one’s

rightful possession.  
\_\_\_ 27. A nuisance that disturbs one neighbor only.

**Fill the gaps in the sentences below with the words and expressions from the box. There are two expressions which you don't need to use.**

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| --- |
| self-incrimination, search warrant, due process, stare decisis, chancellor, self- incrimination, precedent, tort, double jeopardy, equity |

1. The concept that prior decisions are binding upon the present is called (two words) \_\_\_\_\_\_ , or \_\_\_\_\_ .

2. The\_\_\_\_\_\_\_ was the officer of the king to whom the king first began referring cases in .

3. This term\_\_\_\_\_\_\_\_ , brought into the U.S. Constitution all of the Common

Law of England.

6. Prosecution or punishment twice for the same offense is \_\_\_\_\_\_\_ . 6. . \_\_\_ is a testimony by which one implicates himself in a crime.

4. Find English equivalents for the following Russian expressions and words:

***1.3. Типовое задание на перевод***

**1. Translate from English into Russian:**

**DEFENSES TO NEGLIGENCE**

The principal defenses to negligence actions are (1) contributory negligence, (2) comparative negligence, (3) assumption of the risk, (4) discharge in bankruptcy, and (5) running of the statute of limitations.

**Contributory Negligence**

Contributory Negligence is negligence on the part of the plaintiff that contributed toward the injuries and was a proximate cause of them. Under the doctrine of contributory negligence, when the plaintiff sues the defendant for negligence, if the defendant can prove that the plaintiff was also negligent no matter how slight, the plaintiff can recover nothing. An exception exists under a rule known as the last clear chance doctrine in some states, and the humanitarian doctrine in others. Under this doctrine, a defendant who had the last clear chance to have avoided injuring the plain- tiff is liable even though the plaintiff had also been contributorily negligent.

Many states no longer follow the doctrine of contributory negligence because of its unfairness to plaintiffs who were only slightly negligent. These states have adopted the doctrine of compara- tive negligence in its place.

**Comparative Negligence**

Under the doctrine of comparative negligence, each party’s negligence is compared, and the plaintiff’s negligence is reduced in proportion to his or her negligence. In determining by what amount the plaintiff’s damages are to be diminished, the negligence of each plaintiff is compared to the total of all persons against whom recovery is sought. The combined total of the plaintiff’s negligence taken together with all of the negligence of all defendants must equal 100 percent. For example, in a case in which the total damages are $10,000, if the jury finds that the plaintiff was 40 percent negligent and the defendant was 60 percent negligent, the plaintiff will recover $6,000. In the same case, if the jury finds that each party was 50 percent negligent, the plaintiff will recover $5,000. If the jury finds that the plaintiff was 51 percent negligent and the defendant was 49 per- cent negligent, the plaintiff will recover nothing.

**2. Translate from English into Russian**

**United States Legal System**

The American court system is made up of two separate and interacting jurisdictions; one at the state level and the other at the federal level. This division of power is based on the history of the United States. Before a federalist system was established by the US Constitution in 1787, the United States established a confederation and each of the 13 colonies had its own constitution, its own executive, its own legislature and its own judiciary. The 13 colonies were willing to **relinquish** some of their powers to a stronger central federal government in order to create a stronger union, but the states still wanted to be able to have some control and management of their internal affairs. In order to create this dual and sharing of powers system Article VI of the US Constitution called the **supremacy clause** provides that the Constitution is the supreme law of the United States and The Constitution, laws of Congress and treaties, therefore take precedence over any state constitution or law if there is a conflict.

The Constitution also establishes three branches of the federal government — legislative, executive, and judicial — each operating within a constitutional system known as "checks and balances." This means that although each branch is formally separate from the other two, the Constitution often requires cooperation among the branches. Federal laws, for example, are **enacted** and passed by Congress and signed by the President. The judicial branch, in turn, has the authority to decide the constitutionality of federal laws and resolve disputes over them, but judges must depend upon the executive branch to enforce court decisions.

***1.4.Типовое письменное задание***

**Write your legal opinion on the following cases:**

1. Mary is a florist who supplies flowers to various companies for their reception area, payment being at the end of the calendar month. One of these companies is Evasion Ltd. It has not paid for its flowers for months. Mary is unaware of this due to the inefficiency of her secretary.

Smith supplies magazines to companies for their reception area. He wants to do business with Evasion Ltd. He asks Mary’s secretary whether the company pays its bills on time. She says that it does. Consequently, Smith supplies Evasion Ltd with magazines. However, having received no money after three months, he finds out that Evasion Ltd has been declared insolvent. He wants to sue Mary, as he had relied on her advice. Would Smith’s action in tort be successful?

1. John has just graduated with a degree in computer science and has applied for a job with a software company. He asks his old university lecturer, Dr. Peters, for a reference. Dr. Peters knows that John is a good candidate, but he wants his own son to get the job. So he writes to the software company saying that John was consistently late for class, showed little initiative and spent more time on women than on his studies. These statements were in fact untrue. John does not get the job. Can John bring an action in tort against Dr. Peters?
2. Richard has an orchard at the back of his house. He decides to cut down the trees and fences off that area. He then buys two tigers, which he keeps in a pen in the old orchard. Richard does not clean out the tiger pen very often, as he is rather scared of the animals. The neighbours complain about the smell and the howling of the animals. The tiger pen is badly maintained and one day the smaller tiger manages to escape. The tiger mauls Richard’s neighbour, causing him injuries to his face and hands, and ruins his flower-beds. What claims can the neighbour bring against Richard?

**3.2. Промежуточная аттестация по дисциплине**

Промежуточная аттестация завершает изучение дисциплины. Форма аттестации:

- зачет, который является допуском к кандидатскому экзамену.

- кандидатский экзамен.

**Критерии оценивания по дисциплине для получения допуска к кандидатскому экзамену:**

*Зачтено* - теоретическое содержание дисциплины освоено, сформированы необходимые компетенции согласно учебному плану и образовательной программе, большая часть предусмотренных рабочей программой дисциплины заданий выполнена. Аспирантом проводилась самостоятельная работа с материалами по дисциплине.

*Не зачтено* - теоретическое содержание дисциплины не освоено, необходимые компетенции не сформированы, большинство предусмотренных рабочей программой дисциплины заданий не выполнено, либо выполнено не качественно, дополнительная самостоятельная работа по курсу аспирантом не проводилась.

Оценка «Зачтено» соответствует критериям оценок «отлично», «хорошо» и «удовлетворительно».

Оценка «Не зачтено» соответствует критерию оценки «неудовлетворительно».