



- ✓ **Law and order**
- ✓ **Tort law**
- ✓ **Criminal law**
- ✓ **Tort law vs. criminal law**
- ✓ **Court system**

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lecturer



Law and order



Vocabulary

- To commit a crime = совершить преступление
- To break the law = нарушить закон
- Illegal/against the law = противозаконный
- To investigate = расследовать
- Responsible for = ответственный за
- Arrest = арестовать
- Police station = полицейский участок
- To question = допрашивать
- Court = суд
- Trial = судебное разбирательство

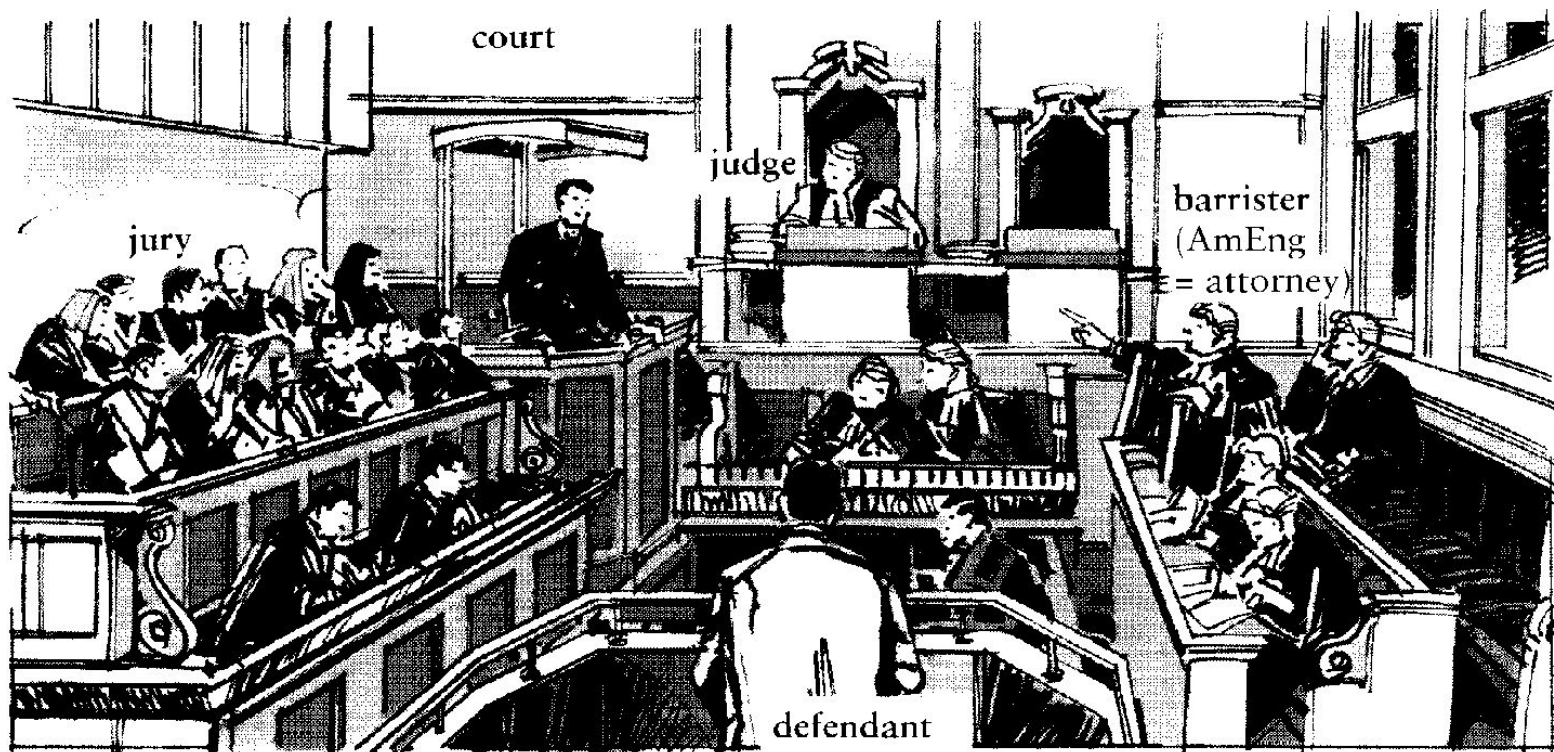


The police

They do a number of things. When someone **commits a crime** (= **breaks the law** and does something **wrong / illegal / against the law**) the police must **investigate** (= try to find out what happened / who is **responsible**). If they find person responsible for the crime, they **arrest** them (= take them to the police station). At the **police station**, they **question** them (= ask them questions to find out what they know) and if they are sure the person committed the crime, the person is charged with the crime (= the police make an official statement that they believe the person committed the crime). The person must then go to **court** for **trial**.



Court





Vocabulary

- To charge with=обвинить в
- defendant= подсудимый, ответчик
- To prove= доказывать
- innocent= невиновный
- guilty= виновный
- jury= присяжные
- witness =свидетель
- judge= судья
- evidence = улики, показания
- barrister = адвокат



In court

the person **charged with** the crime (now called the **defendant** or accused) must try to **prove** (= provide facts to show something is true) that they did not commit the crime; in other words prove that they are **innocent** (\neq **guilty**). The **jury** listens to all the **evidence** (= information about the crime, for and against the defendant) and then makes their decision.



Vocabulary

- **To convict of** = признать виновным в
- **Sentence** = приговор
- **Punishment** = наказание
- **Murder** = убийство
- **Prison** = тюрьма
- **Prisoner** = заключённый
- **cell** = камера
- **Minor offences** = мелкие правонарушения
- **fine** = штраф



Punishment

- If the defendant is **convicted of** the crime (= the jury decides that the defendant is guilty), the judge will give the **sentence** (= **punishment**). For example, if a person is convicted of **murder**, the sentence will be many years in **prison**. The person then becomes a **prisoner**, and the room they live in is called a **cell**.
- For crimes that are not serious (often called **minor offences**, e.g. illegal parking), the punishment is usually a **fine** (= money you have to pay).



Practice

answer the following questions

1. Who investigates crimes?
2. Who sentences people?
3. Who lives in cells?
4. Who decides if someone is innocent or guilty?
5. Who defends people and presents evidence?
6. Who commits crimes?



Say the words in English

- 1. Подсудимый
- 2. Наказание
- 3. Нарушать закон
- 4. Расследовать
- 5. Признавать виновным
- 6. Штраф
- 7. Виновный
- 8. Обвинять
- 9. Приговор
- 10. Убийство
- 11. Тюремная камера
- 12. Присяжные
- 13. Допрашивать



Tort law



Vocabulary

- **tort**=деликт, правонарушение
- **tort law**= деликтное право
- **intent**= намерение
- **Intentional tort**= намеренное правонарушение
- **negligent tort**= ненамеренное правонарушение
- **strict liability**= абсолютная ответственность
- **assault**= угроза нападением
- **battery**= побои
- **false imprisonment** = неправомерное лишение свободы
- **defamation** = клевета
- **trespass to land** = посягательство на чужую территорию
- **fraud** = обман



What is a tort?

- A **tort** is a breach of a duty imposed by law which results in injury to another. The law imposes a general duty on everyone to refrain from injuring others, and to refrain from violating the rights of others. When a breach of this duty causes injury, the party causing the injury is responsible, and is required to compensate the injured party.



Types of Torts

- There are a variety of torts, which can broadly be broken into the following three categories:

□ **Negligent torts**

Negligent torts, as their name suggests, are torts that are caused by the negligence of the tortfeasor, or person who commits the tort.

□ **Intentional torts**

Intentional torts, also as their name suggests, are torts **caused intentionally by the tortfeasor.**

□ **Strict liability torts**

Strict liability torts are torts where the law has determined that some activities are so dangerous that an individual engaging in those activities is liable for damages regardless of intent or negligence resulting in harm. A common example is blasting with dynamite.



What Are the Most Common Intentional Torts?

Intentional torts are torts in which the defendant possessed the intent or purpose to inflict the resultant injury.



INTENT

- Intent is the first essential element of any intentional tort. If there is no intent, there is no intentional tort. Intent, as used in tort law, does not require a hostile or evil motive. Rather, it means that (1) the actor desires to cause the consequences of his act, or that (2) he believes that the consequences are substantially certain to result from the act.



What is Negligence?

- **Negligence is the most common tort!**
- Intent is **not** required for negligence.
- Like other torts, it involves the elements of duty, breach of duty, causation, and injury.



Negligent Torts: Elements

- There are four basic elements of a tort:
 - 1) Duty
 - 2) Breach
 - 3) Causation
 - 4) Damages



Strict Liability

- Liability that exists even though the defendant was not negligent.
 - Engaging in dangerous activities—storing flammable liquids.
 - Owning animals—having a dog bite someone
 - Sale of goods that are dangerous
- In other words, even if **you** did not actually do something that caused injury, something you own did.



Examples of intentional torts

Assault

occurs when one person intentionally puts another in reasonable fear of an offensive or harmful bodily contact





Examples of intentional torts

Battery

Harmful or offensive touching, includes pushing, punching, spitting, or shooting.





Examples of intentional torts

False Imprisonment

- The intentional confinement of a person against the person's will and without lawful privilege.
- It can include being handcuffed or locked in a room or car.





Examples of intentional torts

Defamation

False statements that injure a person's reputation or good name.

- o **slander**—spoken defamation
- o **libel**- written or printed defamation

To be defamatory the statement must be:

1. False
2. Communicated to a 3rd party
3. The victim's reputation is ruined or he/she faces ridicule





Examples of intentional torts

Trespass to Land

Entry onto the property of another without the owner's consent.





Examples of intentional torts

Fraud

Intentional misrepresentation of an existing important fact.

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"I'm afraid I'll have to validate your card with my supervisor... I won't keep you a moment, Mrs Camilla Gilbertson Boothby... the Third."

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Criminal Law



Vocabulary

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- **omission**= бездействие
- **felonies**= тяжкие уголовные преступления
- **misdemeanors**= менее тяжкие преступления
- **jail** = тюрьма
- **offence**= посягательство, правонарушение, преступление



Vocabulary

- arson=поджег
- assault= нападение
- battery= избиение
- burglary= кража со взломом
- embezzlement= хищение
- extortion = вымогательство
- fraud= обман
- homicide= убийство
- kidnapping = похищение
- manslaughter = непредумышленное убийство
- rape = изнасилование



Criminal law

involves the prosecution by the state of a person for an act that has been classified as a crime



Crime

A crime is an act or an omission prohibited by law, the violation of which is prosecuted by the state in a judicial proceeding in its own name. It is a public wrong as distinguished from a private wrong.



Objectives of criminal law

- Distinguish between violations of civil and criminal law, and between felonies and misdemeanors.
- Identify three elements making up a crime.
- Explain when an omission can give rise to criminal liability.
- Identify the four criminal mental states.



Reasons for Criminal Punishment

- Deterrence
- Protect society from wrong-doer through incarceration
- Vindication of victim and society
 - Satisfies need for justice



Felonies and Misdemeanors

- Felonies are more serious offenses
 - Punishable by more than one year in jail
- Misdemeanors are less serious
 - Punishable by one year or less in jail



Most crimes are characterized by 2 elements

ACTUS REUS

- Criminal act

MENS REA

- Criminal intent



Strict Liability

- Most crimes require proof of a culpable mental state
 - Model Penal Code definitions
- Some relatively minor crimes do not
 - Referred to as strict liability crimes
 - Common with regard to regulatory offenses



Examples of crimes

Homicide

- Includes two basic crimes
 - Murder
 - Manslaughter



Examples of crimes

Murder

- First-degree murder
 - Premeditated murder
 - Unintended death of someone during the commission of a felony (felony murder)
- Second-degree murder
 - Any murder not first degree



Examples of crimes

Manslaughter

- Voluntary manslaughter
 - Intentional killing in the heat of passion as a result of severe provocation
- Involuntary manslaughter
 - Unintentional killing



Examples of crimes

Battery

- Unpermitted offensive touching of another
- A person can consent to being touched
 - Thus consent is a defense to battery charges
 - Consent must be knowing and voluntary
 - Consent may be implied



Examples of crimes

Assault

- Placing another in immediate physical harm
- Some jurisdictions say it is an attempted battery that is unsuccessful
- Consent rules apply to assault



Examples of crimes

False imprisonment

- Unlawful restraint upon a person's freedom and ability to come and go
- Also called false arrest
 - Some authorities say false arrest is one type of false imprisonment



Examples of crimes

Kidnapping

- Use of force (or threat of force) in taking someone from one place to another
- Modern statutes
 - Forcibly or secretly confining someone against their will
 - Forcibly carrying or sending someone out of the state



Examples of crimes

Robbery

- Larceny through use of force or threatened use of force
- Taking money or other personal property
 - By means of force or use of fear



Examples of crimes

Extortion

- Obtaining money or property
 - Requiring someone to do something they are not legally required to do
- Threats necessary for extortion
 - Bodily injury, damage to property
 - Revealing information about the victim



Examples of crimes

Burglary

- Most states have statutory offenses to address loopholes in common law
 - Breaking and entering (B&E)
 - Of dwelling (to cover daytime breaks)
 - Of other buildings
 - Of dwelling while possessing instruments related to wrongful setting of fires



Examples of crimes

Arson

- Common law definition
 - Willful and malicious burning of the dwelling of another



Civil law vs. Criminal law



Vocabulary

CIVIL LAW

- to commit a civil wrong = совершить гражданское правонарушение
- a dispute = спор
- aggrieved party = injured party = пострадавшая сторона
- to sue; to take an action = to bring an action against = подать иск
- claimant (plaintiff) = истец
- defendant = ответчик
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- damages = возмещение ущерба
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CRIMINAL LAW

- to commit a criminal wrong (crime) = совершить преступление
- to charge with = обвинить в
- to bring a case against = возбудить иск, судебное дело
- to prosecute (prosecutor, prosecution) = преследовать в судебном порядке
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- to punish – punishment = наказывать-наказание
- conviction (to convict) = признание виновным
- acquittal (to acquit) = оправдание(оправдать)
- a verdict = вердикт
- a sentence (to sentence to) = приговор
- guilty / liable for = виновный
- imprisonment = тюремное заключение
- burden of proof = бремя доказывания



Civil law vs. Criminal law

Consider the following case:

A man was driving too fast along a road in a city suburb and as a result he knocked down and badly injured a pedestrian.

Was a civil or criminal wrong committed, or both?



Civil law vs. Criminal law

- criminal wrong – reckless driving
- civil wrong – negligence
- different legal consequences under criminal and civil law

CRIMINAL LAW	CIVIL LAW
-prosecuted by the police for reckless driving in the criminal courts	-sued by the victim for negligence in the civil courts



Civil law vs. Criminal law

CIVIL LAW

- is concerned with disputes between individuals
- action is taken by the aggrieved party

CLAIMANT vs DEFENDANT
(PLAINTIFF)

eg. marital dispute, hire-purchase problems, trespass, negligence etc.

CRIMINAL LAW

- is concerned with wrongs committed against an individual but regarded as harmful to society as a whole
- action is taken against the wrong-doer in the name of society

PROSECUTOR vs DEFENDANT

eg. stealing, robbery, murder, rape, embezzlement, arson etc.



• Criminal Actions

- Brought by the government
- Government is known as the prosecution
- Prosecution has the burden of proof – beyond a reasonable doubt
- Defendant loses if found guilty
- Usual penalty is a prison sentence

• Civil Actions

- Brought by private citizens
- Person bringing action is known as the plaintiff
- Plaintiff has the burden of proof – preponderance of the evidence
- Defendant loses if found liable
- Usual penalty is money damages



Civil law vs. Criminal law

different procedure; different outcome; different terminology

Civil proceedings

- a claimant sues (brings an action against) a defendant = a lawsuit
- **judgement** for the claimant (if the proceedings are successful)
- **remedy** – damages, injunction, specific performance ...
- liable # not liable - defendant liable on the **BALANCE OF PROBABILITIES**

Criminal proceedings

- a prosecutor prosecutes (brings a case against) a defendant = criminal prosecution
- **a verdict** – a decision of a jury
- **conviction** (if prosecution successful) or **acquittal**
- **a sentence** – the punishment given by a judge based on the verdict
- defendant punished by a variety of **punishments** (imprisonment, fine, probation, community work etc.)
- guilty # not guilty - liable # not liable
- - **BURDEN OF PROOF** – defendant guilty beyond a reasonable doubt



Vocabulary practice

Different types of torts and crimes

Are the following wrongs civil , criminal or both? Sort them out.

theft / rape / manslaughter / medical negligence / negligent damage to private property / assault / trespass / defamation / fraud / false imprisonment / marital dispute / domestic violence / arson / bribery / forgery / kidnapping /

CRIMINAL WRONGS (CRIMES)	CIVIL WRONGS



Vocabulary work – Different types of crimes and torts – Answer key

CIVIL WRONGS	CRIMINAL WRONGS (CRIMES)
medical negligence negligent damage to private property trespass assault fraud false imprisonment marital dispute defamation	medical negligence assault fraud false imprisonment arson bribery forgery kidnapping theft rape manslaughter



Vocabulary practice II

Complete the following text contrasting criminal and civil law by choosing from the words/phrases below.

compensation / contract / crime / damages / family law / intellectual property / plaintiff / police / private individual / prosecution / the accused / the defendant / theft / to bring a case / to bring an action / to fine / to charge someone with something

Criminal law vs Civil law

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



Vocabulary practice II – Answer key

Criminal law vs Civil law

One category is the criminal law – the law dealing with **crime**. A case is called a **prosecution**. The case is instituted by the prosecutor, who takes over the case from the **police** who have already decided to **charge** the defendant (or **accused**) with specified crimes. The civil law is much more wide-ranging. The civil law includes the law of **contract** and **family law** or **intellectual property**. In a civil case, the **plaintiff**, normally a private **individual or company**, brings an **action** to win **compensation**. If the case is proven (on the balance of probabilities, meaning that one is more sure than not), the defendant normally pays the plaintiff **damages** (money).



Vocabulary practice III

Find the defined terms.

- _____ = the punishment given to a person convicted of a crime, ordered by a judge and based on a verdict.
- _____ = the final decision by a court in a lawsuit, criminal prosecution or appeal from a lower court's decision.
- _____ = the result of a criminal trial in which the defendant has been found guilty of a crime.
- _____ = a common term for a legal action by one person or entity against another person or entity, to be decided in a court of law.
- _____ = a verdict (a judgment in a criminal case) of not guilty.
- _____ = the decision of a jury after a trial, which must be accepted by the trial judge to be final.
- _____ = commitment to a prison

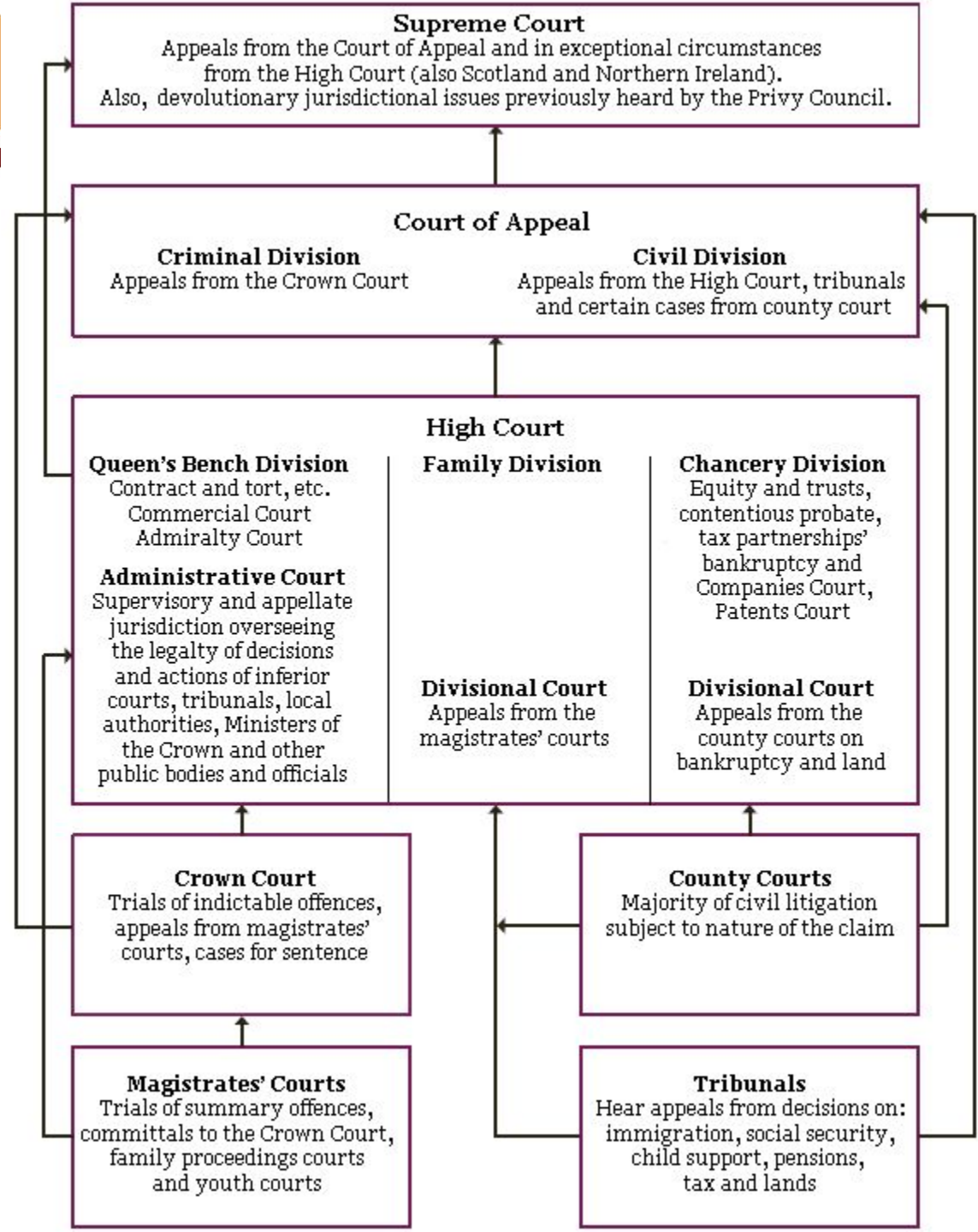


Vocabulary practice III – Answer key

- **SENTENCE** = the punishment given to a person convicted of a crime, ordered by a judge and based on a verdict.
- **JUDGMENT** = the final decision by a court in a lawsuit, criminal prosecution or appeal from a lower court's decision.
- **CONVICTION** = the result of a criminal trial in which the defendant has been found guilty of a crime.
- **LAWSUIT** = a common term for a legal action by one person or entity against another person or entity, to be decided in a court of law.
- **ACQUITTAL** = a verdict (a judgment in a criminal case) of not guilty.
- **VERDICT** = the decision of a jury after a trial, which must be accepted by the trial judge to be final.
- **IMPRISONMENT** = commitment to a prison.



Civil and criminal courts





Civil courts

- County Courts
- High Court of Justice
- The Court of Appeal (Civil Division)
- The Supreme Court



County courts

- In England, simple civil actions are normally heard in either the Magistrates' Courts or the County Courts
- Family cases may go on *appeal* from the Magistrates' Court to the County Court
- The County Court hears complex *first instance civil cases*, such as contract disputes, compensation claims, consumer complaints and bankruptcy cases



High Court of Justice

- More complex cases are heard in the High Court of Justice
- It is divided in three divisions: Family, Chancery and Queen's Bench
- The Court has both *original* and *appellate jurisdiction*



High Court Divisions

- Family Division – for family-related disputes, wardship cases and cases relating to children under the Children Act 1989
- Chancery Division – equity and trust, mortgages, copyrights and patents
- Queen’s Bench Division – contract and tort claims



The Court of Appeal

- From the High Court cases may go on appeal to the civil division of the Court of Appeal, which can reverse or uphold a decision of the lower courts
- Its decision binds all the lower civil courts



The Supreme Court



- The final appeal hearings and judgments of the House of Lords took place on 30 July 2009. The judicial role of the House of Lords as the highest appeal court in the UK has ended.
- From 1 October 2009, the Supreme Court of the United Kingdom assumes jurisdiction on points of law for all civil law cases in the UK and all criminal cases in England and Wales and Northern Ireland.



The three tracks

- All cases are defended and allocated to one of three tracks:
 1. Small claims track (most cases under £5,000)
 2. Fast track cases (claims between £5,000 and 15,000)
 3. Multi-track cases (claims over £15,000)



Starting a court case

following a 'pre-action' protocol – a letter to another party explaining how the claim arises, details of injury etc.; defendant replies within 3 months – admits or denies liability

2 choosing a court

3 issuing a claim (filling in a claim form, paying the fee for a claim)

4 defending a claim – defendant receives the claim form and

a) admits the claim and pays the full amount

b) defendant disputes the claim and defends it

c) if defendant does not do a) or b) claimant asks the court to make an order in default - the defendant must pay the money and costs claimed

5 allocation of cases – if the claim is defended the court allocates the case to the most suitable 'track'



Criminal courts

- The Magistrates' Court
- The Crown Court
- The Court of Appeal (Criminal Division)
- The Supreme Court



Magistrates' Courts

- About 95% of all criminal cases in England and Wales are tried in the Magistrates' Courts, which deal with summary offences (less serious ones)
- In certain circumstances, the court may commit an accused person to the Crown Court for more severe punishment



Magistrates

- One *stipendiary magistrate* (full-time paid magistrate who has qualified as a lawyer) or three *lay magistrates* (unpaid, established members of the community)
- Decide without a jury



The Crown Court

- Formerly called assizes and quarter sessions
- Deals with indictable offences (more serious ones)
- A jury of twelve people decides whether the defendant is guilty of the crime he or she is charged with





The Court of Appeal

- From the Crown Court, appeal against conviction or sentence goes to the Criminal Division of the Court of Appeal



Criminal justice

- The state prosecutes those charged with a crime and may apprehend suspects and detain them in custody
- If the police decide that an offender should be prosecuted, a file on the case is sent to the Crown Prosecuting Service (CPS)



Criminal court proceedings

- The English system of justice is *adversarial* (each side collects and presents their own evidence and attacks their opponent's by cross-examination).
- In a criminal trial, the burden of proof is on the prosecution to prove beyond reasonable doubt that the accused is guilty



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Thank you for your attention!

Questions?

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- ✓ **Law and order**
- ✓ **Tort law**
- ✓ **Criminal law**
- ✓ **Tort law vs. criminal law**
- ✓ **Court system**

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