

Уважаемые слушатели!

Итоговая аттестация по дополнительной профессиональной программе (программе профессиональной переподготовки) «Переводчик в сфере профессиональной коммуникации» включает в себя следующие вопросы:

1. Защита итоговой аттестационной работы (выполненного перевода юридического текста объемом не менее 15.000 печатанных знаков). На защите обучающемуся предоставляется слово для пятиминутного выступления с презентацией, в ходе которого обучающемуся могут быть заданы дополнительные вопросы.

2. Устный перевод делового письма с иностранного языка на русский.

3. Беседа по устной теме профессионально ориентированного характера на иностранном языке.

Приложение 1

Темы для устной беседы и их примерное содержание:

1. A CAREER IN LAW (Профессия юриста)
2. CONTRACT LAW (Контракты)
3. TORT LAW (Правонарушения)
4. CRIMINAL LAW (Уголовное право)
5. COMPANY LAW (Корпоративное право)
6. COMMERCIAL LAW (Торговое право)
7. REAL PROPERTY LAW (Недвижимость)
8. LITIGATION AND ARBITRATION (Судебный процесс и третейский суд)
9. INTERNATIONAL LAW (Международное право)
10. COMPARATIVE LAW (Сравнительное правоведение)

A CAREER IN LAW

In the UK and the USA, there are three law degree programs: Bachelor's, Master's and Doctor's. They take three years to complete. Law students study criminal law, contract law, tort law, land law, equity and trusts, administrative law and constitutional law. Students also take legal writing and legal research courses.

There are optional (elective) courses, too. Students may choose to take those courses which are connected with their future career in law. Those who wish to practice as sole practitioners or work for a small law firm are likely to take family, employment or real property law. Commercial and company law, litigation and arbitration is a good choice for those who plan to work in a large law firm.

Students may also work at a law clinic to acquire basic skills.

CONTRACT LAW

Contract law deals with promises which create legal rights. A contract is formed when one party makes an offer that is accepted by the other party.

When the contract is negotiated, the offer and acceptance must match each other to make a binding and enforceable contract. A valid contract requires that the parties have agreed on the price and the subject matter of the contract.

There are several classifications of contracts: written and unwritten (oral) contracts; valid, void and voidable contracts; bilateral and unilateral contracts.

If one party breaches the contract, it is called the breaching party. The non-breaching party may file a lawsuit against the breaching party for a remedy. A court may award damages for the breach of contract.

TORT LAW

A tort is a civil wrong. Civil wrongs result in harm to a person or property. The harm can be physical, emotional or financial.

There are three types of torts: intentional torts (e.g. assault and battery), negligent torts (e.g. speeding) and strict liability torts (e.g. manufacturing a defective product).

When a tort case is brought before the court it is necessary to prove liability. The court finds one party liable and the injured party is awarded damages, which is the monetary compensation for the harm caused by the tortfeasor.

There are two types of damages: compensatory or punitive. Compensatory damages are intended to compensate for real losses. Punitive damages are awarded to punish the wrongdoer.

CRIMINAL LAW

Criminal law involves the prosecution of a person for a crime. The prosecution is initiated by the state. The person who commits a crime is called an offender.

There are different types of punishment. A court may sentence an offender to imprisonment or impose a fine.

There are different categories of crimes or offences: offences against the person (assault), offences against property (burglary), business crimes (securities violation).

There are two elements of a crime in common law: *actus reus* (an act) and *mens rea* (intent). Prosecutors must prove that both elements were present at the moment of the commission of a crime. Criminal trials usually involve the jury, who return the verdict of “guilty” or “not guilty”. If the verdict is “not guilty”, the offender is acquitted. If the verdict is “guilty” the judge imposes the sentence and the offender is convicted.

COMPANY LAW

Company law deals with the formation and regulation of business entities. The process of registering a company is called company formation. Companies can be created by individuals, specialized agents, attorneys or accountants. Today the majority of companies are formed electronically.

A company is a legal person. A company’s shares can be sold to the members of the public who are known as shareholders. The shareholders are in possession of shares and receive dividends. Those shareholders who have the largest number of shares constitute the board of directors and decide upon the policy of the company.

Company law deals with the relations between companies and their shareholders, creditors, regulators and third parties.

COMMERCIAL LAW

Commercial law deals with issues of both private law and public law. It focuses on trade practices. There are different commercial law fields, including agency, banking, bankruptcy, company law, sale of goods and services, etc.

The mission of commercial lawyers is to facilitate their business client’s commercial transactions. A good commercial lawyer understands the business needs of each client.

A commercial lawyer has to deal with non-contentious and contentious work. Non-contentious work is drafting of contracts, while contentious work involves litigation for the breach of contract.

Commercial law is based on both domestic law and international treaties and conventions regulating international trade.

REAL PROPERTY LAW

Real property law deals with ownership of property. There are two types of real property: freehold estates and leaseholds.

Freehold estate is ownership of land for an indefinite period of time. There are three types of freehold estate: fee simple, life estate and estate pur autre vie. The fee simple is inheritable and lasts as long as the owner wants to keep it. A life estate and estate pur autre are valid for the period of the owner's life.

Leasehold interests are property interests of limited duration. They are based on a contract of exclusive possession – a lease. According to the terms of a lease contract a tenant pays the landlord a specified rent.

LITIGATION AND ARBITRATION

Litigation is a lawsuit before a court. It includes all stages before, during and after the trial. Litigants can be private individuals, an individual and a business entity, two business entities. Government agencies may also be litigating parties.

There are two stages of litigation. First the parties try to reach a settlement before filing a lawsuit. If they cannot agree to settlement, they proceed to trial. At the end of a trial the court will pass a judgment of an order.

Arbitration is one of the means of alternative dispute resolution, or ADR. Mediation and negotiations are also ADR procedures. These procedures are less expensive, stressful and time-consuming than litigation. They are widely used to resolve business, employment and family disputes.

INTERNATIONAL LAW

International law includes public international law, private international law and supranational law. In its narrowest meaning international law is known as public international law.

Public international law governs the rights and duties of nation states in relation to each other. The sources of public international law are custom, legislation and treaties. Treaties may be in the form of conventions, agreements, charters.

Private international law addresses two main questions: 1) the jurisdiction in which the case may be heard, 2) what laws from which of the jurisdiction(s) apply. It differs from public international law because it governs conflicts between private individuals or businesses, rather than conflicts between states or other international bodies.

Supranational law deals with regional agreements where the laws of a nation state are not applicable.

COMPARATIVE LAW

Comparative law is the study of differences and similarities between different law families.

Comparative law is important nowadays because of the globalization which has captured all spheres of life, especially trade. It means that commercial lawyers often work with clients from different jurisdiction. Comparative law is also important because of the trend towards the harmonization or unification of law. It means that laws of previously separate jurisdictions become unified.

There are two main sources of international uniform law: The Hague Conference of Private International Law (HCC) and the International Institute for the Unification of Private Law (UNIDROID). The Hague Conference is the leading organization in the area of private international law. The statutory mission of the HCC is to work for the progressive unification of private international law.