

ФЕДЕРАЛЬНОЕ ГОСУДАРСТВЕННОЕ БЮДЖЕТНОЕ
ОБРАЗОВАТЕЛЬНОЕ УЧРЕЖДЕНИЕ
ИНКЛЮЗИВНОГО ВЫСШЕГО ОБРАЗОВАНИЯ

**«МОСКОВСКИЙ ГОСУДАРСТВЕННЫЙ
ГУМАНИТАРНО-ЭКОНОМИЧЕСКИЙ УНИВЕРСИТЕТ»**

Утверждено на заседании кафедры романо-германских языков
Протокол №5 от 8 декабря 2021 г.

Зав. кафедрой


Казиахмедова С.Х.

Направление подготовки 40.04.01 Юриспруденция (магистратура)
Дисциплина: «Иностранный язык в правоведении»
ЗМЮФ-0121, 1 курс

Приложение 1

1) Dwell on one of the topics:

1. Judges in Russian Federation, the USA and the UK
2. Courts in Great Britain
3. Legislative power in the USA
4. Lawyers. Attorneys, barristers, solicitors.
5. Types of Law

2) Read the text and translate it.

Personal Jurisdiction

Conversely, a passive web site, where information is merely posted, would not subject a person to the reach of a long-arm statute. In *Pavlovich v. Superior Court*, 59 Cal.4th 262, 58 P.3d 2, 127 Cal.Rptr.2d 329 (Cal. 2002), the California Supreme Court ruled that an out-of-state web site operator who had posted software that allowed users to decrypt and copy digital versatile discs (DVDs) containing motion pictures could not be sued in California state court.

The operator, who lived in Texas, did not solicit business or have any commercial contact with anyone in California. The court relied on the Zippo sliding scale and concluded that Pavlovich fell into the passive category. The web site "merely posts information and has no interactive features. There is no evidence in the record suggesting that the site targeted California.

Indeed, there is no evidence that any California resident ever visited, much less downloaded" the software. Even if he had known that the software would encourage piracy, this substantive issue did not effect the threshold question of jurisdiction. Therefore, the lawsuit had to be dismissed for lack of personal jurisdiction. The Minnesota Supreme Court took up the question of Internet jurisdiction in the context of a defamation lawsuit in *Griffis v. Luban*, 646 N.W.2d 527 (Minn. 2002). Katherine Griffis, a resident of Alabama, filed a defamation lawsuit against Marianne Luban, a Minnesota resident, in Alabama state court. Griffis won a default judgment of \$25,000 for statements that Luban had made on the Internet.

Luban elected not to appear in the Alabama proceeding, and Griffis then filed her judgment in the Minnesota county where Luban resided. Luban then filed a lawsuit challenging the judgment for want of personal jurisdiction. The Minnesota Supreme Court concluded that the key jurisdiction question was whether Luban had targeted the state of Alabama when she made her defamatory statements.

The Court found that while Luban knew that Griffis lived in Alabama, she had not "expressly aimed" her statements at the state of Alabama. Instead, she had published these statements to a specialized Internet newsgroup, one that only had Griffis as a member from Alabama.

The court stated: "The fact that messages posted to the newsgroup could have been read in Alabama, just as they could have been read anywhere in the world, cannot suffice to establish Alabama as the focal point of the defendant's conduct."

Therefore, Griffis had not established personal jurisdiction over Luban in Alabama, and the Minnesota state courts were not obliged to enforce the Alabama judgment. If an out-of-state defendant caused an injury while driving inside the state, the court may gain personal jurisdiction over the defendant on the theory that the defendant consented to such jurisdiction by driving on the state's roads. Many states have statutes that create such implied consent to personal jurisdiction.

Приложение 2

1) Dwell on one of the topics:

1. Judges in Russian Federation, the USA and the UK
2. Courts in Great Britain
3. Legislative power in the USA
4. Lawyers. Attorneys, barristers, solicitors.
5. Types of Law

2) Read the text and translate it.

Subject Matter Jurisdiction

Courts of general jurisdiction have subject matter jurisdiction over the majority of civil claims, including actions involving torts, contracts, unpaid debt, and civil rights violations. Courts of general jurisdiction do not have subject matter jurisdiction over claims or controversies that are reserved for courts of special jurisdiction. For example, in a state that has a probate court, all claims involving wills and estates must be brought in the probate court, not in a court of general jurisdiction.

In some cases, a claim must first be heard by a special administrative board before it can be heard by a court. For example, a workers' compensation claim in most states must be heard by a workers' compensation board before it can be heard in a court of general jurisdiction.

Another consideration in establishing subject matter jurisdiction is the amount in controversy. This is the total of all claims, counterclaims, and cross-claims in the suit. (A counterclaim is a claim by a defendant against a plaintiff; a cross-claim is a claim by a plaintiff against another plaintiff, or by a defendant against another defendant.) In most jurisdictions, if the amount in controversy does not exceed a certain limit, the case must be heard by a court other than a court of general jurisdiction.

This court is usually called a small claims court. The rules in such a court limit the procedures that are available to the parties so that the court can obtain a simple and speedy resolution to the dispute.

Приложение 3

1) Dwell on one of the topics:

1. Judges in Russian Federation, the USA and the UK
2. Courts in Great Britain
3. Legislative power in the USA
4. Lawyers. Attorneys, barristers, solicitors.
5. Types of Law

2) Read the text and translate it.

Federal Civil Court Jurisdiction (1)

Personal Jurisdiction To obtain personal jurisdiction over the parties, a federal court follows the procedural rules of the state in which it sits. For example, a federal court in Michigan follows the Michigan state court rules governing personal jurisdiction.

The court examines the usual factors in establishing personal jurisdiction, such as the physical location of the parties, the reach of the state's longarm statute, any consent to personal jurisdiction by the defendant, or the location of real property in a dispute over real property. Subject Matter Jurisdiction In some cases a plaintiff may file suit in federal court.

These cases are limited to (1) claims arising from the U.S. Constitution or federal statutes (federal question jurisdiction), (2) claims brought by or against the federal government, and (3) claims in which all opposing parties live in different states and the amount in controversy exceeds \$75,000 (diversity jurisdiction). A federal court obtains subject matter jurisdiction over a case if the case meets one or more of these three requirements. Claims arising from the U.S. Constitution or federal statutes Federal question jurisdiction is covered in 28 U.S.C.A. § 1331.

This statute provides that federal district courts have "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Some claims are expressly identified as federal in the Constitution. These claims include those involving ambassadors and consuls or public ministers, admiralty and maritime claims, and claims made by or against the federal government. Claims that are based on federal law also may be filed in federal court.

An action against the federal government based on the negligence of a federal employee, for example, is authorized by the federal tort claims act of 1946 (60 Stat. 842 [28 U.S.C.A. § 1346(b), 2674]). The U.S. Supreme Court, in *Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.*, 535 U.S. 826, 122 S. Ct. 1889, 153 L. Ed. 2d 13 (2002), issued a landmark decision on "arising under" jurisdiction of the federal courts. The case involved patent law litigation between two competitors, with the plaintiff filing a declaratory judgment action in federal district court asking the court to declare that the plaintiff had not infringed the defendant's trade dress. This action was not based on a federal law but the defendant's counterclaim, in which it invoked federal patent law to allege patent infringement by the plaintiff, seemed to give the court "arising under" jurisdiction.

Приложение 4

1) Dwell on one of the topics:

1. Judges in Russian Federation, the USA and the UK
2. Courts in Great Britain
3. Legislative power in the USA
4. Lawyers. Attorneys, barristers, solicitors.
5. Types of Law

2) Read the text and translate it.

Federal Civil Court Jurisdiction (2)

Generally, federal courts will decline jurisdiction if a claim is based predominantly on state law. For example, assume that a plaintiff is embroiled in a property dispute with a neighbor. The plaintiff files suit against the neighbor, alleging state-law claims of nuisance, trespass, breach of contract, and assault.

A state official advises the plaintiff that the property belongs to the neighbor (the defendant). If the plaintiff sues the state official in the same suit, alleging a constitutional violation such as the uncompensated taking of property, a federal court may refuse jurisdiction because the case involves predominantly state law. Federal courts may decline jurisdiction on other grounds if a state court has concurrent jurisdiction. When they do so, they are said to abstain, because they are refraining from exercising their jurisdiction.

Federal courts tend to abstain from cases that require the interpretation of state law, if state courts can decide those cases. Federal courts abstain in order to avoid answering unnecessary constitutional questions, to avoid conflict with state courts, and to avoid making errors in determining the meaning of state laws. Claims brought by or against the federal government.

Generally, the United States may sue in federal court if its claim is based on federal law. For example, if the federal government seeks to seize the property of a defendant in a drug case, it must base the action on the federal forfeiture statute, not on the forfeiture statute of the state in which the property lies. Generally, state and federal governments have sovereign immunity, which means that they may not be sued. However, state and federal governments may consent to suit.

At the federal level, Congress has removed the government's immunity for injuries resulting from the negligent and, in some cases, intentional conduct of federal agencies, federal officers, and other federal employees (60 Stat. 842 [28 U.S.C.A. § 1346(b), 2674, 2680]).