Міністерство освіти і науки України
Київський національний лінгвістичний університет
Кафедра англійської філології, перекладу і філософії мови
імені професора О. М. Мороховського

Кваліфікаційна робота магістра

Лінгвістичний і перекладацький аспекти сучасного англомовного судового дискурсу

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(підпис) *(ПІБ)*

Національна шкала _____
Кількість балів:_____

Оцінка ЄКТС _____

Київ – 2020

Ministry of Education and Science of Ukraine
Kyiv National Linguistic University
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Master's Thesis

Linguistic and Translatological Aspects of Present-Day English Courtroom Discourse

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Kyiv –2020

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INTRODUCTION

Courtroom discourse has always attracted much academic attention due to its adversarial nature. Generally, courtroom discourse can be qualified as highly institutionalized one as it revolves around legal language, thus revealing strong links between language and law. However, each trial possesses its own unique linguistic features. Courtroom discourse includes many participants of different social status and power relations. Such misbalance in courtroom communicative interaction predetermines a complicated and contradictory nature of the discourse under study. Involvement of interpreters in courtroom communication make it even more complex. Interpreters' aim is to remove the language barrier due to the requirement in the code of ethics for the proceeding. Present-day legal English is characterized by the excessive use of archaic and Latin vocabulary used among professionals. But, it generates vagueness for lay people.

The relevance of the study of linguistic and translatological aspects of present-day English courtroom discourse is aimed to determine specific features of legal English. It also removes the veil of manipulative tactics of lawyers in order to achieve desirable results. It eases and grounds the comprehension of outdated terms and jargons, which can be useful for future translators and interpreters.

Courtroom discourse was studied (Eemeren, 2002; Gibbons, 2003; Goodrich, 1987; O'Barr, 1982; Galdia, 2009; Sheigal 2004). As an object of linguistic research, this area of speech activity was analyzed from the perspective of stylistics (P. Tiersma, V.K. Bhatia, V. Garner, T. V. Gubaeva), translation (S. Sartsevich, V.V. Alimov, A.V. Fedorov, O.Y. Vyinuk), terminology (S.P. Khizhnyak, N.P. Glinskaya, E.S. Maximenko), discourse theory (L.V. Pravikova) and others.

The **aim** of the study is to exemplify strong links between language and law via determining linguistic and translatological features of present-day English courtroom discourse.

Achieving this aim involves solving the following **tasks**:

1) to establish interaction of language and law;

2) to specify the terms of courtroom discourse and courtroom speech;

3) to provide a comparative analysis of written and spoken legal language;

4) to determine specific linguistic features of present-day English courtroom discourse;

5) to reveal translation specificity of present-day English courtroom discourse.

The object of the study is present-day English courtroom discourse and **the subject-matter** is its linguistic and translatological characteristics.

The theoretical significance of the study is predetermined by its contribution to the study of issues of law and language, perception and understanding of speech in context of the courtroom discourse that are currently being actively developed.

In the study, the following **methods** were used:

a) stylistic analysis,

b) terminology analysis methods: definition analysis, continuous sampling method, text terminological analysis,

c) translation frame analysis.

The practical significance of the study lies in the possibility of using its results in theoretical courses in lexicology, terminology, grammar, stylistics, and translation studies.

Structurally, the paper consists of introduction, three chapters, conclusions and list of references. The first chapter explains connection between language and law, how linguistics cooperates with jurisprudence, the concept of discourse, the features of judicial discourse and its specific components. The purpose of the second section is to characterize the linguistic manifestations of courtroom discourse, describe the lexical and grammatical features of courtroom speeches, the use of archaisms and professional slang, passive constructions, and also outlines language tools that are often found in the speeches of lawyers and carry a certain emotional colouring for manipulative or informative purposes. The task of the third section is to analyse the translation work, describe the difficulties that can be caused due to the specifics of the judicial genre and glossary.

CHAPTER ONE. LANGUAGE AND LAW

The chapter explains interactions of law and language, analysing a specific linguistic structure of courtroom speech through legal discourse. The purpose of this chapter is to outline main features of legal language and define key aspects of courtroom speeches.

1.1 Interaction of Language and Law

People feel a necessity to communicate with one another through language in order to operate efficiently as human beings. The traditional meanings of words, as in a dictionary, and traditional syntax, as in grammar, supply with a code by which people can understand intentions and thoughts of each other.

Nowadays, we differentiate between professional and technical language and simple, ordinary language among people in everyday situations. The language used by the law, economics, marketing, science and engineering has basically considered as an intellectual dialect or jargon spoken by the participants of the specific profession. Law language possess a set of rules which are not common among ordinary speakers. The same with technical research papers in different areas like science, medicine and engineering, which cannot be written including slang or plain words. Such disciplines require the use of highly technical language to explore, analyse, build, design and provide logical evidence in order to give a reasonable conclusion.

The ordinary person has to interact with an enormous amount of legal documents (agreements, contracts, statutes, deeds, wills, policies). Stygall, who analysed pension documents and credit card notices, claimed that in those texts are found “excellent examples of legal language unintelligible to most people” (Stygall, 2010, pp. 51–52). The problem is that fact that the literacy rate of the US population is 99%, but the level of literacy needed to understand the aspects of this type of texts is only reached by 3-4% of adults nationwide (Stygall, 2010, pp. 59). which leaves the rest in an uncomfortable position.

Surprisingly, but terms “language” and “communication” are significant in lawyer’s work. Lawyers spend a big amount of time communicating about legal issues with their colleagues, clients, opponents, partners, the court and mediators. Lawyers need to have profound knowledge of language of law.

Goddard states that judges and lawyers check in the dictionaries official definitions of words found in legislation, forensic linguists prefer to ground their definitions on the observation of current usage of those words (Goddard,1997, p. 212). Common words that used as legal jargon can have tricky meanings (legal homonyms).

It is evident that every discipline needs its own jargon to ease communication within the profession. In this case linguistic features that are not specifically legal help to ensure the comprehension of legal language.

Sentencing is one of the hardest things for judge in cases of communicating with people. It needs a decisive act to guarantee that the sentence fairly punishes the guilty person for the crime, sufficiently admits the pain and suffering imposed on the victim and the victim’s family, and finally discourages other members of society from the same actions. In torts cases judges must pay attention to ‘remoteness’ and ‘foreseeability’, ‘strict’ and ‘absolute’ liability.

Legal language needs to have a mediator or a mechanism which will ensure understanding of judges’ work and the law, even despite technical concepts and specific legal jargon used in the court. Judges are obliged to communicate about the authority and force of the law rather than their words.

The fundamental difference between the language of the law and conventional public speeches is that the law makes people responsible for the language they use. Judges cannot entertain and provoke the society in the same way as we can see some tricks in marketing, management, politics and the media. Judges are limited by law, faith and integrity, so they do not have a public voice beyond the judgments they transmit.

Legal language for judges does not involve any power point presentations, signs, billboards, email, blog or Twitter to express itself. The main idea of legal

language is guarantee and ensure that all human rights are protected. For judges, communication is not about conviction, winning the debate, conquering the market, or using striking slogans. Judges spend almost all their time writing their judgments to provide logical and powerful reasons of decisions. The judgments are studied accurately by lawyers, academics, law students and even government agencies. According to the regalements of democratic countries, every citizen is allowed to have the chance to study closely a decision against them.

Language and law are related, the law needs the language to express itself, at the same time the language needs disciplines to be described. Moreover, these two spheres have much in similar. The current legal realities demonstrate that linguists are taking participation in legal procedures as assistants or as experts. The problem that linguists need not only possess the knowledge of linguistics and its methods, but understand deeply key aspects of law.

Language and law are profoundly concerned with ambiguity, unintentional metaphors and other stylistic devices, offering, promising and defining. Lawyers are used to handling details of legal cases using legal language.

Legal language has developed during centuries and has specific characteristics, some of them are intricated to understand in legal documents.

As stated by Tiersma (Tiersma, 1999), next elements should be considered:

a) technical vocabulary: legal jargon, legal homonyms, unfamiliar legal terms…;

b) archaic, old-fashioned, formal and unusual words;

c) impersonal constructions;

d) nominalizations and passives;

e) modal verbs;

f) multiple negation;

They bring clearness on the origin of these specific features and how they differ from standard, ordinary English. Legal language is considered to be a linguistic phenomenon, showing unusual examples of the vocabulary and grammar use.

The evolution of legal English takes roots from the Anglo-Saxon period and lasted till the Middle English period up to the present day. French and Latin highly affected modern legal English. Tiersma cites as an example why the language of law was often non-understandble, because it was full of redundancy, specific vocabulary and wordiness (Tiersma, 1990).

Lawyers don't always understand the information given to them by judges. They are not able to percept guideline in its completeness. Judges usually use specific kinds of grammar (too many passive constructions, substantives and numerous negatives).

Even perfect awareness of lexical units will make a sentence inappropriate without grammar rules; in other words, it would be complicated to put the words or to attach endings according to the grammatical aspects in the correct way. What is more interesting, even proper use of grammar with profound and detailed understanding of lexical units may make a person unskillful of the language.

Current legal realities clearly demonstrate that development in the law can't exist without language aspects. Neutral style of legal language convicts the interpretation of concrete linguistic ways of rule regulations expression by: rejecting rhetorical methods of strengthening or weakening expression in the absence of legislative text metaphors, hyperbole and other means of speech and brightness of expression in legislative texts.

The origin of forensic linguistics is associated with the name of the British writer and linguist Ian Swartwick, who in 1968 carried out a linguistic examination of court materials in the case of Timothy Evans, who was sentenced to death for the murder of his wife and child. Linguistic analysis allowed Swartwick to prove that Evans was not involved in this crime on the grounds that his confession to the murder differed in style from all his other statements. Moreover, the difference in the style of statements recorded by the police allowed Swartwick to conclude that the confessions were made by the police themselves and imposed on Evans. Thanks to this, Timothy Evans was posthumously acquitted.

The development of judicial linguistics was promoted by the awareness of the effectiveness of applying linguistic knowledge in the field of legal proceedings. Linguistic examination of written documents in order to establish their authorship, the study of phonetic features of the voice (its recording) in order to determine its belonging to a particular person, all this has found wide application in court proceedings.

Such scholars as A. S. Pigolkin, A. A. Ushakov, L. P. Galanza, V. M. Savitsky and others showed interest in the language of law. However, in the Soviet period, the peculiarities of the language of law were considered mainly within the framework of legal technology, which is why it was still difficult to talk about equal cooperation between linguists and lawyers in these studies. At the same time, it is quite obvious that the interface of language and law is formed by a complex dialectical interaction of legal and linguistic aspects.

The result of the integration of linguistic and legal knowledge was the formation and development of such a discipline as jurislinguistics.

The emergence of legal linguistics and its isolation as an independent branch is primarily due, according to N. D. Goleva, to the specifics of language functioning in the legal sphere. The scientist figuratively defines this specificity as "the functioning of language in an extreme sphere" and, drawing an analogy with the metaphor "extreme journalism", comes to the combination "extreme linguistics" (Goleva, 2004). N. D. Goleva points out at the same time "the naturalness of such" extremality", since it grows out of the deep properties of natural languages" (Goleva, 2004).

One of the manifestations of these deep properties of language is the potential conflictogenicity of speech works: "any communicative act is potentially conflicted, any utterance contains the potential of misunderstanding, "wrong understanding", ambiguous understanding " (Goleva, 2004). The consequence of this, under certain conditions, is an ambiguous interpretation of a speech work, which leads to judicial or expert proceedings.

Thus, the object of study of legal linguistics is the area of intersection of language and law, and the subject is linguistic and legal phenomena that have the potential for conflict.

According to the concept of N. D. Goleva, the zone of intersection of language and law has "two components: the legal aspect of the Russian language and the linguistic aspects of law" (Goleva, 2004).

The legal aspect of the language involves studying the specifics of the functioning of the natural Russian language in the legal sphere. As N. D. Goleva points out, the proper legal functioning of language occurs in the area of jurisdiction of laws and is primarily associated with situations that have a high conflict potential. At the same time, as the scientist writes, "spontaneous adherence to norms (orthoepic, stylistic, ethical, etc.) allows you to naturally avoid conflict. In other words, the language itself (within itself) contains mechanisms for overcoming communicative conflict. Nevertheless, there are many conflicts that fall into the sphere of social regulation. Their legal regulation is possible only when certain situations are described by laws, the violation of which leads to sanctions" (Goleva, 2004).

First, the language acts as a means of legislative activity. Without a doubt, the universal history of law shows that the word should be considered as the only possible adequate way to formalize legal prescriptions. In this case, the system of scientific knowledge about the word opens up new and very broad prospects for a deeper understanding of the essential laws of the development and functioning of law in human society.

Second, language is a means of law enforcement: in writing, it is used for drafting various legal documents (court decisions, contracts, protocols, etc.), and in oral form it is represented in the speech of a lawyer, prosecutor, judge, etc.

Third, the language of legal documents, especially legislative acts, is an object of interpretation in law enforcement and legal implementation activities.

In addition, the language becomes an object of legal regulation, for example, when considering texts as a subject of copyright, when conducting an

expert examination in the field of the law on the protection of the honor, dignity and business reputation of an individual, as well as when legislating the status of the language (state, official, language of interethnic communication, etc.).

Thus, the areas in which language and law are closely intertwined are significant in state, social, and personal terms and require special study, development of a special methodology that takes into account the mutual influence of natural language, legal-linguistic, and legal processes and phenomena.

The search for such a methodology in order to solve problems that arise at the intersection of language and law is the main promising task of legal linguistics.

1.2 Courtroom Speech in Legal Discourse

Legal discourse reflects the complex relationship between a person and society and is considered one of the most relevant and popular discourses of our time. The study of legal discourse lies at the intersection of different disciplines and is associated with the analysis of the form, tasks and content of discourse used in specific situations. I. V. Palashevskaya defines legal discourse as "status-oriented interaction of its participants in accordance with the system of role prescriptions and norms of behavior in certain legal situations of institutional communication" (Palashevskaya, 2010).

Kosonogova notes that legal discourse "is a heterogeneous phenomenon. This is a set of different communicative situations, the participants of which in similar conditions generate similar statements using a single special language – the language of law" (Kosonogova, 2015, p. 66). Summarizing these two definitions, we can say that legal discourse is a coherent sequence of statements on legal issues, determined contextually (by the context of the situation and the context of culture).

Any discourse is implemented in situations of specific activity. Thus, the legal discourse is implemented in the communicative communities of the

institutional type that perform legal activities, in particular, they include the police, the Prosecutor's office, the court, notaries and law offices.

Understanding legal discourse requires knowledge of the background, expectations of the author and audience, hidden motives and plot schemes, as well as favorite logical transitions characteristic of this historical and social era (Fedulova, 2010).

Legal discourse, like any other type of institutional discourse, has components such as goals, values, functions, participants, varieties, and genres.

Researchers identify the following goals of legal discourse: informational, analytical, evaluative, influencing, and predictive. In addition, the goals include ensuring the rule of law. The leading value of legal discourse is the triumph of the law. Subordinate values can also be identified, such as respect for rights, compliance with obligations, protection, and justice.

The functions of legal discourse are determined by the peculiarities of law as a regulatory phenomenon. The main functions of legal discourse O. A. Krapivkina and L. A. Nepomilov include prescriptive, informative, argumentative and declarative functions. The prescriptive function is represented in legal statements that directly or indirectly instruct the recipient to perform any actions or refrain from doing them. An informative function is contained in statements that report a fact that has occurred or a decision that has been made. The argumentative function is inherent in the genres of judicial discourse. The declarative function is manifested in the proclamation of certain social and legal values and ideas. (Krapivkin, Nepomilov, 2014).

I. V. Palashevskaya identifies eight functions of legal discourse, namely regulatory, performative, informative, presentation, interpretation, cumulative, strategic and code. The regulatory function is to establish and maintain norms and values that ensure interaction between the institution and society.

The performative function is expressed in communicative practices and organizes the world of law. The informative function generates and translates the meanings that define the essence of an institution. The interpretive function is to

interpret the meanings of the communicative actions of the participants in the discourse and the corresponding legal texts. The cumulative function is to form an "institutional memory", a kind of knowledge base that defines a particular business sphere. The presentation function is characterized by creating an image, that is, attractiveness for society, the institution and its agents. The strategic function implies the choice of normative communication strategies and tactics of interaction in achieving communication goals. Within the code function, a special language is created that is effective for fulfilling the goals and objectives of institutional activities. The researcher notes that this list is not final and can be continued. The highlighted functions of legal discourse are interrelated and mutually dependent, they are manifested in the actions of participants in the discourse and the implemented meanings of communication.

An important component of any discourse is the category of participants. Legal discourse is characterized by a large number of participants, which can be divided into three main groups: the state, legal entities, and individuals. The state embodies its role in regulating specific relations in the form of normative acts that proclaim the state will, binding on all citizens. The role of the state can be played by various official bodies and representatives of the General system of law, that is, a notary, a lawyer, a judge, an investigator, an operative, and other employees of law enforcement agencies and internal troops. The plaintiff, defendant, witness, expert, specialist, detainee, accused, victim can act as legal entities and individuals. This richness of participants is not inherent in any other type of institutional discourse. If we are talking about legal texts, the participants are, on the one hand, the author (a professional lawyer), and, on the other hand, the recipient. The first creates an informational message, expressing the essence of jurisprudence, the second perceives and interprets the message.

N. A. Saraeva divides the participants of the legal discourse into two groups: lawyers-specialists in law (these include such professions as judge, investigator, lawyer, notary, Prosecutor, and others) and people who need legal assistance. The former act in legal discourse as "agents", the latter as "clients". Here we should

note a characteristic feature, which is the fundamental inequality of its participants: "clients" almost always depend on the work of "agents" (Saraeva 2009).

The formula for interaction between participants in a discourse can be represented as a sequence of structural elements. Communication tools, that is, the set of communication capabilities that the participants of the discourse have in a certain situation, connect normative and value elements and situational elements (directly the situation and participants of the legal discourse in this situation). This interrelation of communicative, situational, and normative-value elements forms genre formats of interaction between legal entities.

Genre as a discursive unit is a stereotypical speech structure, a typical model of communication, which has a certain degree of automation. Genre models in institutional discourse are considered as normative, structured and institutionally fixed (in the form of laws and regulations) sequences of types of speech actions that participants in interaction have in a given situation. However, stereotyping, structuring and anchoring does not mean that all institutional communication interactions are performed clearly according to genre schemes. Participants in the discourse, in accordance with situational and value-normative elements, choose the types of statements they need. Nevertheless, despite the fact that individual versions of genre formulas have unique and inimitable properties, in the end, they should contribute to the implementation of an established discursive form.

Genres of legal discourse ensure the interaction of legal entities. The criteria for classifying genres of legal discourse are the status characteristics of the participants in the discourse and the nature of dialogical connections between these participants, as well as events recorded in scenario sequences.

Sometimes individual genres form genre macrostructures or complex genres that are based on whole chains of speech events. These chains reflect the continuous process of unfolding a complex speech event in the space of legal discourse. Each unit of this chain is a separate speech genre that is part of a complex genre. For example, a court session consists of such genres as questioning

the defendant, questioning witnesses, debating the parties, the last word of the defendant, and the verdict.

Within the framework of legal texts, the following types of genres can be distinguished: legal acts, contracts, protocols, court decisions, complaints, statements, and other types of documents, from identity cards to securities.

Ancient Greece is known to be the homeland of eloquence — science and rhetorical practice itself. The high speech culture of political and judicial orators of Ancient Greece is largely determined by theoretical works in the field of oratory, which have not lost their importance in our days, especially in matters related to the technique of oratory.

The task of the orator, according to the ancient Greeks, is threefold:

1. Clarify!
2. Excite and encourage!
3. Bring pleasure!

It should be specified that the court speech of the prosecutor and the lawyer is a kind of public speech that covers speech genres that are quite diverse according to their purpose and content. L. A. Demidova states that public speaking is like reflections and comparisons; it examines, analyzes and evaluates various points of view on this issue, formulates the position of the speaker (L.A. Demidova, 2009, p. 135).

A specific type of public speaking is a judicial monologue speech delivered by the public prosecutors and defence attorneys, the representative of the plaintiff and the defendant in the judicial pleadings. Due to situational and thematic factors, it stands somewhat special: in terms of subject matter, and even more so in terms of purpose, semantic orientation, it differs from other genres of public speech. First of all, the judicial speech is limited to the area of use: it is an official narrowly professional speech, pronounced only in the court; its senders can only be prosecutors and lawyers, whose position is determined by their procedural situation.

R.V. Shapitko claims that a court speech is a polemic, persuasive speech, since the main function of the parties in judicial pleadings is to prove, refute and convince (R.V. Shapitko, 2005, p. 9). Polemics can be conducted between procedural opponents, between lawyers defending different defendants. It may be a polemic with an expert who presented the court with poorly substantiated conclusions.

Public speech involves answering questions from the audience. In court speech, this characteristic is absent due to procedural rules. A judicial orator, conducting polemics with a procedural opponent, usually foresees what they may disagree with, what they may ask him about.

To form the conviction of the court, judicial speakers in civil and criminal proceedings make a comprehensive, complete and objective analysis of all the circumstances of the case and give them, first of all, a legal assessment.

In a civil procedure, the actions of the defendant are analyzed from a legal point of view to recognize the legality or illegality of a contested transaction, to recognize the violated right as subject to or not subject to restoration. All this serves to protect the disputed rights, freedoms and legitimate interests of citizens, organizations, victims of crimes, as well as to protect the individual from illegal and unjustified condemnation, restriction of his rights and freedoms. Thus, the evaluative and legal nature is an important, most important feature of a judicial speech. It should be mentioned that the court speech is both a dialogue and a monologue.

To deliver an interesting speech so that the judges listen to it, speakers need to constantly feel the connection with the addressee, to control their attention. Being a monologue in form, the court speech forms part of the dialogue that is conducted between the prosecutor and the lawyer throughout the entire judicial investigation. The dialogue is manifested in the study of the materials of the case from the point of view of the prosecution and defence, from the point of view of the representatives of the plaintiff and the defendant, in the application of motions. It ends in the judicial debate when the opinions of the procedural opponents are

finally determined and argued. The entire judicial speech unfolds not as a monologue, but as a dialogue with the procedural opponent. This is due to its purpose. A lawyer, arguing with the prosecutor, rejects his point of view as incorrect or agrees with it in some way.

Appeal to the court, justification of a certain qualification of a particular circumstance makes it necessary to reproduce and evaluate (refute or accept) the opinions of the preliminary investigation bodies, the defendant, the victim, witnesses and lead to the dialogization of a monologue speech, which is understood as an appeal to the court and the reproduction of someone else's opinion to proof, reflecting the features of oral colloquial and everyday dialogical speech. For judicial discourse, dialogization is, as already mentioned, an internal quality associated with its persuasive character. Lawyers consider dialogue as the main feature of judicial speech.

A monologue in linguistics is defined based on linguistic features as a special form of stylistic construction in which the syntactic features of the written and spoken literary language are intertwined. Monologue (from the Greek. Monos - one + logos - word, speech = speech of one) is a detailed statement of one person. This is an organized speech that requires a certain speech education and in which the impact is manifested. V.A. Lazareva believes that the characteristic features of a public monologue are the intentionality of influencing the audience and the intention (V.A. Lazareva, 2009, pp. 20-29). The speech of the participants in the judicial debate reflects the peculiarities of the sphere of legal relations. The speech addressed primarily to the court and the accusatory and defence speech is carried out in conditions of direct contact, is focused on the establishment of legal truth and is characterized by the presence of a plan, which in each case is conditioned by the specifics of a particular criminal case.

The accusatory and defence speeches, as well as the speeches of the representatives of the plaintiff and the defendant in the civil process, do not depend on each other, they are semantically independent.

According to Baskov, legal discourse, including its genre specifics, in contrast to all other types of discourses, is regulated by such extralinguistic factors as procedural legislation, the level of legal and communication training and functions of participants, a high degree of emotional tension, the interest of participants in court hearings in the result of consideration of criminal, civil, administrative cases, etc. During the court session, several (or even many) participants perform various communicative actions: they deliver informative, evaluative-influential and imperative-influential monologues, ask questions and answer them, and so on. Such communicative and pragmatic diversity complicates the process of identifying speech genres implemented within the framework of legal discourse (Baskov,1979, p. 425).

The logical aspects of the composition characterize the linguistic structure of courtroom speech; that is, the choice of language tools should be realized by the purposes. Any court speech consists of an introductory part, the main part, and a conclusion. In Ukraine, when creating the introductory part of a courtroom speech, the contrast technique is often used, which consists of contrasting different parts of presentation. At the same time, the introduction, as a rule, compositionally breaks down into two parts that are opposite in content. The first part includes a moral assessment of the event and in the second part events are frequently compared with some positive phenomena. The juxtaposition creates a speaker's specific emotional mood, which help him to make listeners perceive his opinion on the evaluation of evidence.

The foreign judicial practice is characterized by different methods of creating the introductory part of courtroom speeches. Speakers usually introduce cases to the target audience more briefly and less emotionally compared to Ukrainian speakers. The introduction should contain a report of the following events that took place and a list of facts that the speaker is going to prove. Lawyers should not be tempted to share with the audience philosophical considerations about what is relevant to the case (for example, about the reliability of witnesses, the credibility of evidence, the principles of Justice).

Tsarev states that a distinctive feature of the main part of court speech is the use of refutations and justifications. This is an argumentative way of presenting information, and it is given a leading role in the text of courtroom speeches. Therefore, the argumentative side of speeches is much more critical than its emotional impact on the audience. The argumentative method of presentation is characterized by such features as putting forward a thesis, defining a concept, establishing logical connections between concepts, and using stable phrases as the leading way to express thoughts (Tsarev, 2013).

The main part of courtroom speeches may be represented with a help of narration and description. These methods of presenting information are of great importance for the trial, so they help to restore the picture of what happened. Stories and descriptions are diverse in their language characteristics. The need to influence listeners leads to an alternation of restrained and emotional means of expressing thoughts.

The final part of the court speech is not just a logical conclusion of the speech; A speaker usually reinforces the meaning of everything said earlier. A speaker gives an assessment of the event and expresses his opinion about the result of the process. Therefore, the presentation is emotional in content, which is expressed in linguistic means, for example, such as interrogative construction.

Matvienko confirms that the language used in all parts of judicial speech is a system that is constantly changing with its inherent tolerance for various kinds of transformations. An open and dynamic judicial language takes borrowed lexical units into its vocabulary and participates in the process of neologization. Another feature inherent in all structural components of judicial speech is the grammatical category of identification (identity), which is based on such factors as subjectivism (an object reflected through the individual perception of the individual) and temporal assessment of reality, which is presented by the speaker in spatial and quantitative-qualitative expression (Matvienko, p. 200-248).

The legal discourse with which we associate legal proceedings is a component of the most important conditions for the existence of society. The legal

form depends on the development of forms of speech communication. The possibilities of communication, primarily speech, are related to technical means of communication: oral speech, written speech.

In the study of courtroom speeches, most often the main emphasis is placed on the logical and rhetorical side of language analysis, while the linguistic and stylistic aspect is limited to pointing out common errors. In the courtroom practice, along with knowledge of legal norms, an important role is played by the ability to stylistically correctly build speeches, choose words and phrases that more accurately correspond to the goals of judicial polemics. Ignoring the linguistic aspect negatively affects the image of the judicial speaker, leads to errors in making a court decision, distorts the meaning and ideas of an intellectual dispute, and reduces the level of justice culture in general. Thus, law students can focus their acquired legal knowledge in line with learning legal English by applying the practice of court speeches.

Shustova explains that each part of speech, in addition to the main function, also has an optional target setting. At a qualitative level, it is necessary to identify the main characteristics of speech and determine by what means they are achieved. For example, the logic of speech appears due to a clear composition, the use of logical techniques and means of connecting words in speech. At the psychological and linguistic level, it is proposed to consider speech tactics and techniques used by speakers. At the stylistic level, it is necessary to determine the principles and the effect of choosing and using language tools: tropes and figures that create expressiveness of speech. The last, linguistic, level aims to analyze the language units that function in the speaker's speech. At the level of word usage, this is a matter of selecting vocabulary, using synonyms, antonyms, foreign – language and professional vocabulary at the level of using stable phrases – the use of phraseological phrases, cliches and structures of an evaluative nature in speech (Shustova, 1990, 13-17).

The linguistic structure of courtroom speech is determined by the logical aspects of the composition and consists of an introductory part, the main part, and a conclusion.

The linguistic structure of courtroom speech is determined by the logical aspects of the composition and consists of an introductory part, the main part, and a conclusion. Public speaking is a way of expressing thoughts, feelings, and will; a platform for a lawyer, a means of legal influence, and culture.

In the legal sphere, it is subject to the exercise of the functions of law through the instant disclosure of all the experience, character, and intentions of a lawyer speaker.

When we talk about public speaking, we mean the verbal form in which the content is considered. Under the form, you can learn how to teach content. And when it comes to improving the effectiveness of public speaking, the question is precisely about the form of transmitting content, ideas and arguments for its proof.

There are certain factors for improving the skill of public speaking: linguistic (speech), technical and intonation, psychological, pedagogical (didactic), logical.

Linguistic term – speech and technical one – intonation are ways of transmitting information. They affect the quality of information indirectly, strengthening (or amplifying) information, or even contributing to its implementation exactly the opposite.

The psychological factor is also very influential: the word is aimed at people at that time, they perform listening activities, heavy activities, therefore, the speaker needs to know the psychological patterns of representation, attention, and perception. It is also necessary to know about the pedagogical (didactic) means of maintaining attention, organizing contact between the speaker-lawyer and the audience, which significantly affects the effectiveness of listening and perception of mutual understanding.

The logical factor ensures the organization of information from the point of view of ordering the thinking process, its sequence, irrefutability, identity, and evidence.

So, there are five foundations of public speaking:

- linguistic (speech),
- technical and intonation,
- psychological,
- pedagogical (didactic),
- logical.

These foundations are non-essential. The first four can be called external, they affect indirectly; the last one is internal, it affects directly.

Indeed, when a lawyer-speaker speaks for the first few minutes, it is often almost impossible to perceive and understand his ideas and arguments.

What do we get acquainted at the very beginning of the conversation? With the language. And if the lawyer-speaker makes speech mistakes or the speech is colorless, then the audience do not pay attention to what he says, but how, and, having concluded that there is no language culture, begins to doubt his idea. Moreover, even incorrectly interpreted speech can distort its content.

A significant place is also occupied by psychological grounds, because a lawyer deals with real people, not mechanisms, so he must take care of whether his ideas are perceived or not, understood or not, sympathized or not. Thus, the response depends on whether the lawyer has created the necessary atmosphere in the audience; eye contact with the audience. In this case, we are talking about the communicative skills of a lawyer-speaker to overcome obstacles in communication, which always arise for each speaker precisely because of the psychological difficulties of such human activities as listening (lack of stability of perception, short attention, "alienation" of the opinion of another, etc.).

The didactic basis is aimed at overcoming psychological obstacles to communication as a set of methods, techniques and principles of oral speech for the effectiveness of perception. For assimilation of an idea, perception of

arguments, and persuasion, it is also important how the entire speech is constructed, whether it corresponds to the principles of organic unity, economy, visibility, and so on.

Finally, the internal basis is logical. By logic, we mean a measure that corresponds to the basic logical principles and laws.

Public speaking, being an integral part of the professional qualities of a lawyer, is also an effective means of emotional influence. Speech-expressive and intonation features of speech help the speaker better convey the idea and focus on the details of the problem. Precisely selected language tools help to excite the audience.

Speaking in court is one of the most difficult and responsible moments of participation of the prosecutor, defense lawyer and other participants in the process. In order to confidently defend human rights and protect the interests of society, the lawyer's word must be fair and convincing. After all, it is the ability to professionally convince the defendant of guilt or innocence that is the professional duty of a lawyer. So, the influence of judicial rhetoric on listeners depends on deep rights- knowledge, professional skills, and the ability to speak publicly.

In order for a court speech to be convincing, the appropriate conditions must be met. A lawyer should know the case materials perfectly, be guided by the facts and evidence, and correctly assess all the facts relevant to the case. The court speaker needs to feel the materials of the case, be able to present a picture of the crime, the situation in which it was committed. For persuasion and influence, a lawyer must attract, first of all, those facts that affect the consciousness of listeners – that is, logical conclusions. The judicial speaker is also adept at using such facts that affect the feelings of listeners. Each judicial rhetorician, in accordance with his procedural position, analyzes and evaluates the collected evidence, formulates his conclusions, which should become convincing and justified, because this is exactly what the judicial audience expects.

A. F. Koni noted that sincerity in relation to feelings and to business conclusions or an approved position should be the necessary belonging to a good,

that is, claiming to be influential, speech. The sincerity of the judicial speaker attracts the attention of the audience, arouses respect and affection for him, because a sincere speaker is deeply convinced of the correctness of his thoughts and really feels what he expresses in words (Koni, 56).

In order to influence the court, it is necessary to find, first of all, the correct evidence and facilitate it in the form of expression that would be most convincing.

Those speakers who try to convince judges with compliments like "I will not justify my conclusions in detail in front of such a qualified court staff as yours", "I will not delay your attention on the circumstances of the case, in which you have perfectly understood", etc., knowing psychology and skillfully using its methods, the judicial speaker increases the frequency of speech and its impact on the judicial audience.

The prosecutor and lawyer come to court not to act, but to honestly and reasonably express their opinion on the case and thereby help the court to properly administer justice.

Communication with the judicial audience is one of the most important tasks of the judicial speech. Here the means of persuasive communication should be harmoniously combined. This is high professionalism, ethical principles, eloquence of the rhetorician, his ability to speak publicly. A speaker enjoys popular favor only when he thinks out in advance what he will say: only by this does he prove his loyalty to the people, and the one who does not worry about how his speech will be perceived acts... as a person who relies more on strength than persuasion.

The court audience is a certain number of people in the courtroom who participate in the consideration of a case or are interested in it. Conventionally, it can be divided into groups: professional participants in the process; members of the public; participants in the process interested in solving the case; the public who came for various motives and motives. Practice shows that in the courtroom, the fourth group - the public – needs special attention to patience, tact, and a sense of proportion. After all, it is rarely homogeneous in its composition (except in field

sessions of the court, when the case is heard at the place of work of the defendant). Therefore, as a rule, some people come to court to keep their relatives, friends, and acquaintances; others - to listen to how cases of offenses are resolved, etc.

Therefore, a judicial rhetorician should be well aware of the audience, their motives, interests, and beliefs. Since the number of listeners is not uniform, it may be difficult to establish contact with the audience. In order to reach mutual understanding, you should take into account the emotional state, level of attention, willingness to make contact, interest of listeners, their age and professional direction.

Based on scientific considerations and my own practical beliefs, I believe that the speaker wins the audience's attention not by categorical judgments, but by a structure that would lead the audience to his conclusion. You need to be convincing, not categorical. Exaggerated imposition of one's own opinion causes a negative attitude. Self-control and trust in the judges ' understanding should be shown. Judicial speech should be based on the individual characteristics of judicial perception, which is formed during the process, and the speaker should carefully monitor its manifestation.

The atmosphere of the judicial audience should always be in the field of view of the rhetorician. Her attention and further stability are also achieved by other rhetorical techniques.

It is also quite important to focus the audience's attention on the final part of the Defense speech. By the way, it is not mandatory in every court speech. But in large defensive speeches, it is sometimes useful to summarize the conclusions of the defense. If the prosecutor refuses to support the prosecution and asks the court to acquit the defendant, this does not release the defense lawyer from the obligation to justify the need for acquittal in his defense speech, and in the final part of the speech to submit his request to the court. The defense lawyer needs to formulate conclusions so convincingly that it becomes obvious to the court that justification in this case is the correct way of Justice. Addressing the audience with a question related to the content of the speech is also a good way to sharpen their

attention. Always reliable factors influencing the audience's hearing are the means of speech expression. These are legal aphorisms, Proverbs, sayings, and vivid images. But you should remember about their expediency. Gestures and movements help to focus the audience's attention, which, like nothing else, determine the individual style of judicial rhetoric.

Facial expressions of the rhetorician are an excellent stimulator of the audience. It is able to convey joy, determination, contempt, irony. The famous judicial speaker, master of psychological analysis A. F. Koni wrote that “a good rhetorician has a face that speaks with his tongue” (Koni, 93).

To emphasize the significance of a particular phrase, judicial rhetoric is used as a method. This is an effective way to boost your audience's attention.The tone of speech should be chosen one that holds the audience's attention the most and that not only pleases them, but also enjoys them without overexposure...".

The ability to speak publicly and win over listeners does not come by itself. This must be persistently learned: learn the techniques of rhetorical art; learn the language well, enrich the vocabulary; master the subtleties of eloquence, so that the influence of rhythm on the audience's hearing dominates it.

Eloquence must be honest and moral in order to penetrate the human soul - this is the power of the truth of the rhetorician.

Talented speech, as a rule, embodies the unity of rational and emotional ways of cognition. The history of public speaking shows that rational and emotional are important categories of eloquence. They reflect one of the main features of the absolute majority of types of public speech. The rational and emotional in different speeches can be combined in different ways. Here, the speaker himself already chooses the desired ratio of these categories, taking into account the content of the speech and the specifics of the audience.

The main thing in public speaking is a certain idea that the speaker tries to convey to the listener and to his consciousness. This is achieved mainly by logical means: judgments and proofs. Emotions will not help a judicial speaker if he does

not argue his speech with evidence, facts, if he does not influence the power of his logic and does not justify his beliefs.

Judicial speakers should strive to ensure that their speeches in court have an impact on the judges and the judicial audience, on the outcome of the trial.

Consequently, judicial speech is an important means for speakers to understand their procedural functions, since it focuses on the conclusions of the case and the speaker's position.

Conclusions to Chapter One

1. Law language possess a set of rules which are not common among ordinary speakers.

2. Legal language needs to have a mediator or a mechanism which will ensure understanding of judges' work and the law, even despite technical concepts and specific legal jargon used in the court.

3. Language and law are related, the law needs the language to express itself, at the same time the language needs disciplines to be described.

4. As stated by Tiersma (Tiersma, 1999), next elements should be considered:

a) technical vocabulary: legal jargon, legal homonyms, unfamiliar legal terms;

b) archaic, old-fashioned, formal and unusual words;

c) impersonal constructions;

d) nominalizations and passives;

e) modal verbs;

f) multiple negation;

5. Legal discourse is a coherent sequence of statements on legal issues, determined contextually (by the context of the situation and the context of culture).

6. Understanding legal discourse requires knowledge of the background, expectations of the author and audience, hidden motives and plot schemes, as well as favorite logical transitions characteristic of this historical and social era (Fedulova, 2010).

7. Legal discourse is characterized by a large number of participants, which can be divided into three main groups: the state, legal entities, and individuals.

8. Genres of legal discourse ensure the interaction of legal entities. The criteria for classifying genres of legal discourse are the status characteristics of the participants in the discourse.

CHAPTER TWO. LINGUISTIC ASPECTS OF PRESENT-DAY ENGLISH COURTROOM DISCOURSE

The second chapter deals with linguistic aspects of present-day courtroom speeches, explaining main lexical and grammatical peculiarities, which are characterized only to legal language. Also, this chapter examples stylistic devices, which can be used consciously in order to make courtroom speech powerful and trustworthy.

2.1 Lexical and Grammatical Features of Legal English

Legal English vocabulary includes archaic, technical and foreign words and phrases, as well as binomials. It is highly discussed that the choice of words plays an important role in the final aim of carrying out legal writing in Plain English.

Garner confirms several types of words in legal prose: fancy words, vague words, euphemisms, timid phrases, empty dogmatisms, and neologisms (Garner, 1989, p. 73).

The first lexical feature of legal English is a usage archaism. Archaic words are usually much used in legal documents, bur some of them can occur in spoken language of lawyers. Archaic terms belong to formal style which are used by lawyers and are called "lawyerisms", such as: *to (before), subsequent to (after), abutting to (next to), pursuant (in according with)*. In common English, archaic words used rarely, but their main stylistic functions in the text are to create a realistic background to historical novels, to maintain exactness of expression, to mark utterances as being connected with something remote. In spoken language, archaic terms can be employed in order to confuse witnesses. Some present scholars agree that some of archaisms should be deleted or be replaced with more familiar forms. The second outstanding feature of legal language is the use of technical terms and terms of art. Hiltunen states that they are pure legal terms. He provides a typical example – *tort*. Some of technical terms are familiar to laypersons (*patent, share, royalty*), while others are generally only known and used among lawyers (*bailment, abatement*) (Hiltunen, 1999, p.150).

According to Rylance, there exist also common words with unconventional meanings, i.e., polysemous lexemes which have specific meaning within legal language, e.g., "*attachment, action, consideration, execute, party*" (Rylance, 1994, p.36). These are the words legal masters employ as technical terms for their purposes in specific contexts. They are called idiosyncratic because they have exact and specific definitions in the area of legal science. It should be also mentioned that legal meaning may distinguish from the general meaning *(consideration, construction, redemption, tender*), or when everyday words are used in evidently particular contexts (*furnish, prefer, hold*). Nevertheless, terms of art are diverse and unusual in comparison to legal jargon.

Along with technical terms lawyers use fewer formal words and phrases – jargon – it enables a professional group to communicate quickly and efficiently.

Rylance states that legal jargon has a number of specific terms that lawyers apply to ease their communication, mentioning slang or near-slang (horse case) and technically precise terms (*res ipsa loquitur*). Other examples of the jargon are: "*boilerplate clause, corporate veil, bequest, emoluments*" (Rylance, 1994, p.52).

Slang is another interesting example which is present in the court, especially taking into account that formal utterances are predominant. Mellinkoff states that lawyers use shortening (clippings), e.g., short terms within their slang, including: *depo (deposition), hypo (hypothetical example), punies (punitive damages), in pro per (in propria persona), rogs (interrogatories)* (Mellinkoff, 1965, p.102).

There is an enormous amount of foreign words and phrases in legal language, which are predominantly of Latin and French origin. Some of them look ridiculous and awkward. Haigh claims that there is an enormous amount of foreign words. The examples of native legal words in English from the Anglo-Saxon period are: *bequeath, goods, guilt, manslaughter, murder, oath, right, sheriff, steal, swear, theft, thief, ward, witness, writ*.

Latin introduced the following expressions: *versus, pro se, in propria persona, caveat emptor, obiter dictum, Amicus Curiae*, which sometimes include a specific meaning. Words of Latin origin are: *negligence, adjacent, frustrating, inferior, legal, quit, subscribe*. Legal words that are borrowed from French language are the following: *appeal, attorney, claim, complaint, counsel, court, damage, default, defendant, demurrer, evidence, indictment, judge, jury, justice, party, plaintiff, plea, sentence, sue, verdict.* The use of adjectives standing behind the nouns also was taken from French language and are modified in phrases such as: attorney general, court martial, fee simple absolute, letters testamentary, malice aforethought, solicitor general.

There are derivatives with the "ee" suffix representing a person as a recipient of action, which are also of French origin *(lessee (=the person leased to), asylee, condemnee, detainee, expellee, tippee* (Haigh, 2004, p. 97).

According to French and Latin influence, there is an enormous number of synonyms. What intricate legal drafting is the amount of synonyms referring to the

same legal concept, like in the following examples given by Haigh: *Assign – transfer; Breach – violation; Clause – provision – paragraph – article; Contract – agreement; Default – failure; Lessee – tenant; Promise – assurance – undertaking; Void – invalid – ineffective* (Haigh, 2004, p.32).

Another typical feature of legal vocabulary is a great number of synonyms. Most common are doublets (words pairs) and triplets (synonym strips), are binomials. Binomials are characterized to have two lexical units, which are usually joined by a conjunction (*aid and abet; hue and cry; any and all; signed and delivered*).

Alliteration is another one notion which is a specific feature of legal vocabulary. Alliteration occurs when words have the same consonants, usually can be used by judges in order to emphasize certain phrases (e.g. *cannot be corrected*).

Repetition of words also occurs in legal English. The absence of anaphoric reference caused the repetition of words. Anaphoric reference is avoided despite the fact that it is used in other styles as personal pronouns, demonstrative adjectives and demonstrative pronouns. The main reason of using repetitions is to avoid ambiguity.

The major syntactic aspect of legal English is complex sentences, which is unreadable for ordinary people. Many scholars state that sentences should be shorter and more grounded to everyday English speech. Specific sentence structure is a result of the past use of single sentences in every part of a legal. Sentences were informative with repetitiveness, plenty of modification, specific word order, prepositional phrases, coordinate and subordinate clauses. As a result, lawyers are advised to take into the account the sentence length and get rid of redundant words and phrases. Only words that support the reasons and arguments given in the text make sense to these sentences.

Nouns taken from verbs are often used instead of verbs, such as: to give consideration instead of to consider, to be in opposition rather than to oppose, to be in contravention instead of to contravene, to be in agreement instead of to agree. Nominalization is a morphological process that should be avoided because it

makes the text long and difficult to comprehend, according to standard English. However, it is hard to get rid of nominalization, as it is a tradition which wasn't changed for years.

The use of passive voice and specific use of pronouns are characteristics of a highly impersonal style of writing. Passive voice is inherent in legal language, but it is also overused in all types of legal documents.

The omission of personal pronouns is another feature. Omission of the first person singular is motivated by the efforts of judges to achieve maximum objectivity. The omission of the second person singular is the characteristic of the written will. In this case, the first person singular is used instead. The second person singular is also omitted when there aren't direct orders and warnings or it is considered that legal rules should be impersonal. Thus, the use of the third person singular and plural is predominant. *Everybody, everyone, every person* is used when a provision applies to all, and no one, nobody is used in prohibitions. The intent is to create the impression that law is impartial, but such generalizations are vague, and their efficiency is often disputable.

The spoken legal language involved in a variety of different forms. When allowed to use the narrative style, usage of passive forms and impersonal constructions provide distancing the speaker to the related topic and eliminating semantic agents.

There is a tendency to employ different grammatical constructions during the different stages of a trial. This preference is connected with evident aims of the interactants, that is, the co-construction of one's own account and the destruction of the opposing party's speech.

For example, some syntactic transformations, such as nominalizations and statements used in reported speech, may be difficult to disclaim because they present the final proposition in the form of an included presupposition that is taken for granted. Different jurisdictions implement captious questions that suggest the desired answer. (*e.g., I suggest . . . ; Is it not the case that . . . ?; I put it to you that . . .).*

Questions asked during courtroom interrogation constantly employ frequent repetition and structural parallelism, often for rhetorical and strategic aims and with the purpose of "catching" the jury. The same trick appears in the lawyers' opening and closing speeches, which are for sure planned in advance and nonspontaneous speech patterns of the "written-to-be-spoken" type. Such monologues can contain interactive features (means of direct address, commands, questions) addressed to the jury.

Some grammar features are used in specific ways. Lawyers, for example, frequently change their utterances with the "so" summarizer in order to highlight the previous message and draw logical inferences.

Courtroom interrogation also includes other grammatical features of spoken language, such as false starts, hesitations and reformulations. They appear especially when defendants and witnesses are made to provide unrehearsed responses, are forced to confess some facts deleterious to their case, and are found to have gaps of memory about past events.

In conclusion, lawyers use the language primarily to make it obscure to people who are not knowledgeable about law. The obscurity of legal English has grown out of legal tradition as a by-product of traditionally entrenched concepts. Despite the efforts to reform, changes in legal language are not considered to be radical. Although legal writing in plain English is promoted, plenty of issues still remain to be improved, and this goal is attainable.

The general linguistic features of Legal English are changing. Legal English is undoubtedly better, but it is a common conclusion that those changes are going at a very slow pace, and it is still quite common to see typical binomials in legal documents.

Plain English movement primarily affects legal drafters, as they are encouraged and advised to shorten and simplify their sentences. Taking into consideration the intentions of a client, a document that a lawyer prepares, as well as government forms, ought to be: accurate, complete, clear, precise, concise and simple.

The elaborated proposals to reform legal language highlight the demands to create modern legal writing. Whether legal English can be simplified or not is highly disputable because all of its difficulties are deeply rooted in tradition. Therefore, these conditions are not easily met, and tradition often prevails. However, it is also true that traditional features in legal texts can cause great confusion. Owing to its obscurity, legal language has strengthened the role of lawyers and given them the power they long for. That is one of the reasons why it exercises some resistance to changes. Although some changes have been made, endeavors to bridge the gap between everyday English and legal language are not scarce, as legal English remains to be a highly specialized sub-language. Legal English or legalese is characterized by its density and obscurity. The special features present in most of the legal texts make impossible for ordinary people to understand the content of contracts, testaments and sentences. That is why in the recent years a movement called "Plain English Campaign" has appeared defending the view that legal texts should be made understandable to everybody.

2.2 Stylistic Devices in Courtroom Discourse

American legal system has been regarded as a role model for many other legal systems all over the world. However, there is an enormous number of articles, publications, films where we can witness considerable weaknesses of American legal system that involves trial by jury. There appears a question: "Why is it happening even to the most powerful country in the world?" There are several reasons for it. The first one is the fact that lawyers are the most skillful players on this battlefield. They are the only participants who have the right to deliver speeches (especially opening and closing arguments) before the jurors. The target of courtroom speech is to affect psychologically and emotionally the jury as well as ensure certain changes into their point of view so that in the future they could give back a desirable verdict. The second reason is the fact that American trial by jury is said to be the subjective one, where juries can be quite sentimental, where

decisions concerning verdicts are made according to their emotions or intuition more than according to law and evidence. The third reason is the fact that attorneys usually overuse their rights and play greatly on jury's feelings and compassions concerning their defendants. Saul Kassin claims that in order to win the case, attorneys have to conquer the jury's hearts but not their minds: 'the idea is that jurors are sentimentalists; they are gullible, easily aroused by feelings of sympathy, and handily manipulated by the skillful orator' (Kassin, 1988, p. ix). In order to have a desirable impact on jury's mind, attorneys have to be aware of particular psychological tricks.

The court is a place for law and language to perform. Those both substances are interconnected and can successfully function while court proceedings, being implemented together only. The language applied within court discourse is followed by the variety of expressive means and stylistic devices, which are claimed to be an excellent supplement for both positive and negative rendering of argumentation.

The study of court speeches to date is inexhaustible and relevant. This topic attracts with its versatility and combination of many linguistic aspects in the context of law and psychology. Incredibly exciting and promising is the stylistic aspect, namely the use of stylistic figures as the primary means of emotional influence on the recipient. The role of parallel syntactic constructions, elliptical and inverted sentences, simple epithets, idiomatic expressions, phraseological units, metaphors undoubtedly attracts the attention of the philologist, since stylistic figures carry a significant emotional load and are the main field of our research.

Court speeches, as well as other types of speech activities, not only provide information exchange of speakers but also reflect their emotional state in the course of communication. To achieve this goal, the language has developed a unique code: special signs transmit different types of emotions.

At the syntactic level, exclamation, interrogative, elliptical, inverted sentences, and insertion sequences can be used to express emotions. The higher the degree of emotional stress, the higher the degree of violation of the syntactic

structure of court speeches. Interruptions, repetitions, and incompleteness of syntactic constructions are characteristic of a high concentration of emotions, which characterizes fragments of selected judicial speeches.

An integral means of expressing emotions is considered to be a description – a conscious expression of an emotional state by speech means. The external expression of emotion is described: facial expressions, pantomime, timbre, intonation, and so on. An exemplary speaker should undoubtedly have all the nonverbal means to influence the recipient, but dry speech is not the subject to emotional intonation processing, and stylistic will assist in this way. However, neutral vocabulary also carries an emotional burden when describing the emotional state correctly. For example: *"Suddenly he caught sight of Mrs Ramsay's face. It was so white that she looked as though she were about to faint. She was staring at him with wide eyes*" (S. Maugham, 58).

Thus, we see that the emotional state of a person is influenced to a certain extent by various lexical and semantic means, and accordingly, it is necessary to adhere to constructions and techniques for accuracy and accuracy of expressions when transmitting the emotional states of the recipient.

According to the results of research in court speeches, lexical expressiveness is the most productive, since it is at the verbal level that the significant emotional impact on the recipient is carried out. Since each word has an abstract load and evokes auditory-motor images in his mind, and stylistic figures make it possible to emotionally strengthen the image by directly influencing the nervous system of our recipient.

Undoubtedly, the use of stylistic figures in court speeches gives them a certain colourfulness of sound and also forces listeners to perceive and react to the spoken words in the way planned by the speaker (judge, lawyer, prosecutor, etc.).

Often, to build an emotional speech, the words of which can touch and influence a court decision, along with legal terms, simple epithets are used that enhance their denotative meaning: painful, difficult admissions, inappropriate relationship.

To accumulate emotions, create the culminating peak of speech, such a stylistic figure as gradation is often used. Each subsequent element is emotionally more substantial than the other or creates a stronger effect on the listener, specific associations: *'do not be so blind, don't be so stupid as to believe'*, we see that the word foolish is emotionally more substantial than the word blind, but together they create an intense emotional series. The following statement:*' Do not be so blind in your madness as to believe that if you make three fresh new graves, you will kill the labour movement of the world* 'provides another element of gradation, which is already reinforced by the phrase, the word madness itself plays a key role in this statement. Alternatively, in the expression: "*unarmed men, women, children and babies*" emphasizes the innocence and defenselessness of children.

Analysis of court speeches shows that the most frequent trope used by speakers and defense lawyers in court is a metaphor based on the representation of the characteristics of one object (a class of objects, actions, signs, phenomena, etc.) for the characteristics of another object by identifying similarities in a certain respect. Metaphor, actualizing the indirect meaning when using a word, transforms its semantic perception, which makes it possible to convey a complex, original content. Indirect meaning contributes to the creation of emotional associations, new images that provide a deeper awareness of the event.

The metaphor in court speeches is used for different purposes and in different circumstances. In his speech aimed at defending Dementiev, V. D. Spasovich refers to the use of metaphors to show the subtleties and complexities of the court case presented by him, for which he compares his own activities with the work of a surgeon or chemist who "*with a scalp in his hands*" and "*scales for chemical analysis*". These comparisons focus on the composure required for the consideration of this case (Association with the professional activity of a surgeon), and accuracy (Association with the profession of a chemist). Main purpose of every lawyer is to make people trust him, that’s why he should be heard, metaphors as a stylistic device can simplify some intricate phrases in order to make

them sound more grounded (e.g. *I buy you argument (16-466), heart of the dispute at trial (16-309).*

No less important means of giving imagery and enriching the content in court speeches are epithets used to characterize the qualities and properties of objects. The defense or prosecution of a person who has violated the law involves creating a portrait and reproducing episodes from his life. Epithets allow you to focus on the most important qualities of the described person and demonstrate the most significant aspects of his life.

The predominance of visual and expressive means over logical forms of expression is a factor in creating an emotional atmosphere that determines the attention of listeners and models the necessary direction of their emotional and sensory perception in relation to the case under consideration. As an example of such tactics of using epithets, we can cite the speeches of F. N. Plevako, which create an emotional atmosphere of sympathy for the sufferer. In his speech on the Bulakh case, which was accused of causing mental disorders by Masurina for a selfish purpose, the famous lawyer uses such different characteristics that represent the personalities of Masurina and Bulakh in an emotional light: "*proud and domineering*", "*not knowing compassion*", "*experienced*"," *deeply penetrating into life*","*...young forces and mind*", "*loving heart*" (Plevako, p. 156-157).

For example, irony, which is based on an allegory, gives the statement an evaluative character, demonstrates the opposite line between the speaker's thoughts and the actual content of speech. An ironic remark contains a hidden statement, the opposite of its literal meaning. Irony is often found in ordinary conversation and often finds a place in public speech, arousing the listener's interest and giving it features of soft humor. An example of the use of irony as a means of influencing the jury can be found in the speech of F. N. Plevako, dedicated to the defense of an elderly woman who stole a teapot. By appealing to irony, the lawyer arranges his speech in such a way as to show that there is no public danger in the theft of an old teapot. Irony becomes a background that reinforces the legal essence of the polemic between F. N. Plevako and the Prosecutor: comparing the struggles and

troubles that Russia had to endure, endure and overcome, the lawyer ironically speaks about the theft of an old teapot at the price of thirty coins, puts it on a par with the trials that fell to the lot of Russia: "*of course, Russia will not be able to withstand this, it will die from this, irrevocably*" (Plevako, 1993). Another one example is *"Mr. Fletcher, the one thing about this case that seems perfectly clear to me is that nobody who is not a lawyer, and no ordinary lawyer could read these statutes and figure out what they are supposed to do" (16–529).* This polite remark is kind of a joke, which only proves the difficulty of legal language among ordinary people, the speaker makes his statement so clear and relevant in order to be understood.

Comparison as a means of creating imagery in judicial speech is based on a comparison of phenomena, characteristics, actions, etc. P. Sergeich defines the role of comparison along with meta - handicap as an ornament of oral and written speech. The qualitative characteristics of comparison are hidden in the disunity of the compared items: "*the greater the differences in the items of comparison, the more unexpected the similarities, the better the comparison*" (Sergeich, p. 73).

In judicial speech, the effectiveness of using comparative phrases is directly dependent on the relationship between the comparison and the content: the comparison should be aimed at explaining and simplifying the idea. The use of this tool is often associated with the specification and formulation of tasks and actions that demonstrate the lawyer's own role in court proceedings. For example, A. F. Kony compares a crime committed by several persons by prior agreement with a living organism. Thus, a living organism has separate organs and limbs ("*hands, heart, head*"), and the crime can also be characterized in terms of the functions of body parts that generally create conditions for committing illegal actions, and the task of justice is to understand and identify the functions of each member of the criminal group: "*you have to determine who played the role of obedient hands in this case. Who represented a greedy heart and a head that planned and calculated everything*" (Kony, p. 493).

Simile is used to compare one thing with another of a different kind and to make a description more emphatic or vivid. E.g. "*serious ones like murder or burglary*" , "*somebody who takes pleasure out of pulling the wings off flies*?". In this example, somebody is compared to very fussy person, who pays attention to small details, irrelevant and useless details like picking wings off flies.

In conclusion, we come to the conclusion about the high role of imagery in court speeches, which is determined by their focus on the implementation of the communicative functions of persuasion and action. Imagery, due to its focus on the emotional and sensual sphere, makes it possible to achieve the required level of polemics as a requirement and a characteristic feature of everyday speech. The appearance in court of two parties – the prosecution and the defense-is positioned as a struggle of fundamentally opposite opinions. for each party, the search for the truth is the goal of the trial. The construction of judicial speech affects the presentation of the discovered truth, which means that it affects the judges and directs their attention to the course own reasoning.

Conclusions to Chapter Two

1. Legal English vocabulary includes archaic, technical and foreign words and phrases, as well as binomials.

2. Along with technical terms lawyers use jargon in order to communicate quickly and efficiently with professionals.

3. According to French and Latin influence, there is an enormous number of synonyms, which cause difficulties to ordinary speakers.

4. The major syntactic aspect of legal English is complex sentences, which is unreadable for ordinary people.

5. The use of passive voice and specific use of pronouns are characteristics of a highly impersonal style of writing. Passive voice is inherent in legal language, but it is also overused in all types of legal documents.

6. Questions asked during courtroom interrogation constantly employ frequent repetition and structural parallelism, often for rhetorical and strategic aims and with the purpose of "catching" the jury.

7. Stylistic devices can be used in legal language as a powerful tool in order to fulfil the persuasive function, create specific emotional atmosphere, which help lawyers to draw all attention in the court.

8. Stylistic devices make courtroom speech more emphatic and convincing for ordinary speakers, i.e. jurors.

CHAPTER THREE. TRANSLATION ASPECTS OF PRESENT-DAY ENGLISH COURTROOM DISCOURSE

Third chapter deals with specific translation aspects of courtroom discourse, explaining main peculiarities of translating intricate legal language, outlining difficulties of court interpreting and translating.

3.1 Translation Aspects of legal language

Legal translation usually refers to the translation of texts related to the field of law, characterized by specialized legal terminology and used for understanding and exchanging legal information. Today, there are several definitions of the legal text, but from the standpoint of linguistics, the legal text is

characterized as a message containing legal information, objectified in the form of an official written document, which has a modal character and a pragmatic attitude and consists of certain units that include various types of lexical, game and logical connection. The written legal text is divided into several types: pedagogical, academic, legislative, and judicial. Each type of legal text differs in its functional and communicative orientation, has its own structure, style features, and language expression.

English legalese, both in its written and spoken form, is a language of a specialised group, and as such it uses the terms of art. Lawyers developed a specific set of words which are used only in the legal surrounding, both spoken and written.

The extension of the English legal language created a jargon which combines archaic words of Old English origin, as well as French and Latin terms. These anachronisms lead to difficulties in understanding and interpreting. Lawyers tend to employ the archaic forms even if they may be replaced by simpler vocabulary.

Tiersma compared characteristic of the courtroom language with the religious language. The rituals and archaic language show that this is a special case, quite different from ordinary discourse. The formal and unusual clothing of the main participants – the vestments of priests, or the robes of judges – strengthen the impression of authority to the proceedings. Many written legal documents are extremely formal and often intensified by archaic words or grammar. Pleadings to the court always begin with the phrase "Comes now plaintiff" … (Tiersma, 1999, p.101)

According to Gibbons, law language is usually compared as in the case of child (OE), infant (F) and minor (L), which had the same meaning, but now define people of different age for the legal purposes (Gibbons, 2003, p. 43). Both spoken and written language use frequently modal verbs. The most used verb which legalese employs is shall. However, in the ordinary discourse, this word expresses future, but in the legal world it serves to express obligation or

declaration, "shall" could be easily changed by will or must, depending on the context, but it adds an aura of gravity to a legal document or speech.

Archaic use of do as in the expression I do appoint is misleading to any person not familiar with law. This type of use of do in the ordinary speech shows emphasis, while in the courtroom surroundings it is a formulaic expression. In general, lawyers try to use as much formal vocabulary and complex constructions as possible.

The degree of formality is unnecessarily high, which results in the obscurity of meaning and a general impression of pomposity. Gibbons (2003, p. 85) provides with such examples: An interesting aspect of the language of the law is the use of formal rather than informal vocabulary – the use of solicit rather than ask, proceed rather than go, effect rather than make, and so on. (…) It can be also associated with archaic language – for instance a barrister may crave leave from a judge, rather than ask for permission.

This phenomenon is particularly evident in the case of police – it is sometimes stereotyped as the police officer saying 'I was proceeding down the highway in a south easterly direction' rather than 'I was walking down the road'. Complex legal style is characterized by means of prepositional phrases. Their use is justified, the same as in the case of other similarly complex structures, by the attempts to exclude any ambiguity which could create further problems for lawyers and their clients, as well as to ensure the clarity of legal text or speech (Bhatia, 1994, p. 143).

As Williams claims "in law we make sharp consequences hang upon these words of gradation. The question whether a man is left in freedom or detained in a mental institution depends on whether he is judicially classified as sane or insane" (Williams, 1993, p. 115).

To paraphrase, legal vocabulary must avoid ambiguity, as it may result in disadvantageous outcomes for the lawyers' clients. One of the ways of the realisation of the precision is the usage synonyms while defining a certain concept. Synonyms often come from two different languages or they represent words which

borrowed from the same language, they were introduced into English at different time periods. At the time when such doublets first appeared, they were meant to make a document or an oral presentation understood by people from different language backgrounds (Gibbons, 2003, p. 43).

While preparation of their documents and speeches, law people use words defining absolutes, such as *all, none, never, irrevocable, impossible, wherever, whoever*. These items also serve as means of the further of precision and exclude any exceptions. The same target of maximum precision and inclusion of all the information into the text or a speech is realised by means of using multinominal phrases. Bhatia considers them as "a sequence of two or more words or phrases belonging to the same grammatical category having semantic relationship and joined by some syntactic device, such as 'and' or 'or' " (Bhatia, 1994, p. 143).

Although spoken and written legalese has the same vocabulary, there are certain features distinguishing these two types of legal language. It is considered that it is impossible to speak in the way a legal text is written unless it is being read. What is more, some of the elements used in the legal writings do not appear in speech, and finally, spoken language is known to be shorter and simpler in terms of glossary used than the written one.

According to Peter Tiersma, lawyers, usually at the beginning of the document in the part named "Recitals" or "Definitions", use as a lot of the terms they think are the most important for this document. Such definitions are called "declaratory definitions" (Tiersma, 1999, p. 117) since they need to mention what a given word means in the context of a given document rather than paying attention to the meaning of the word given by the dictionaries. Also, an important difference between written and spoken legalese arises from the fact that writings must be planned and presented logically to the receiver in a totally revised and intended form. Speech includes the feature of spontaneity and cannot be constructed in the same way as writing.

John Gibbons says that lawyers constructing any type of a legal document uses more content words and fewer structure words, creating complex noun phrases which include maximum information (Gibbons, 2003, p. 20). The highest level of formality in legal texts is also constructed by implementing – passivisation. Passives are not so often used in speech as it would be difficult to give any longer speech without sounding artificial and ridiculous.

Speech can be characterized by intonation, voice quality, non-verbal language and facial expression. Decontextualised writing has other resources to represent these non-verbal features, so in writing will be used grammar and vocabulary elements to represent them. Decontextualisation of writing makes the writer to insert each piece of information connected with the subject.

In the court of law, lawyers are allowed to consult other present parties to resolve any arising ambiguity, which is impossible in the case of a legal text. Another element that written legalese tends to have extremely long and complex sentences. Lawyers usually try to embed as much of the information into one sentence, presenting all the possibilities and excluding all the ambiguities. Such sentences are grammatically complex and have a big amount of additional information. Legal language used in the courtroom is definitely less complex and formal than the written one.

Court interpreters pay attention to the features of spoken discourse in legal settings and the language of the courtroom. According to O'Barr, there is the following schema for the registers of spoken language in the legal setting:

1. Formal legal language is a type of spoken language that is the closest to the written legal language; linguistically characterized by long and complex sentences containing an enormous amount of jargons. Used by judges in instructing the jury, passing judgment and recording the following court speech; can be used by lawyers when addressing the court;
2. Standard English predominantly used in the courtroom by lawyers and most witnesses; considered to be "correct" English; possesses more formal vocabulary than that used in an ordinary speech;

3. Colloquial English spoken among witnesses and few lawyers; is lack of formal features which characterize standard English; is close to ordinary, everyday speech;

4. Subcultural varieties used by walks of the society who differ in speech style and mannerisms from major native speakers; includes Black English and the dialect of English spoken by poorly educated white people (O' Barr, 1982, p. 25).

O'Barr states that these four categories cover all of the registers of courtroom speeches. He claims that different participants in legal proceedings make use all of types at different times and for different aims throughout the course of a trial.

A judge's utterance in an American court of law is predominantly formal and consist of eliciting pleas, giving guidelines, issuing decisions on motions and objections, and charging the jury. Even jury instructions might be spontaneous. Lawyers employ formal legal language when they address the court, interact with judges or other attorneys involved in the proceeding. However, when lawyers deal with witnesses, their choice of language can be intentional. For example, if a lawyer wants to cooperate with a witness his register will be colloquial in order to ground himself on the same level as the witness and to set a positive and friendly tone. On the other hand, when the lawyer desires to distance himself apart from the witness or make the witness seem less competent and profound, he will use formal legal language which will definitely confuse the witness, who will make a lot of mistakes and after that cause the jury or the judge to doubt his intelligence and honesty.

It is considered that usually attorneys advise witnesses to limit their speeches and answers to only yes or no responses, and widely use as much as possible only standard language. Most witnesses use a colloquial speaking style in court, and many even afford themselves to use slang, jargons and specific terminology of different subcultures. There is also the testimony expert witnesses such as physicians, pathologists or arms experts who also use terminology

according to their profession or jargon with which an ordinary person may not be familiar.

It was proved that vocabulary choices made by attorneys can "lead" witnesses to give that type of testimony lawyers are seeking. There are two styles of speech which are called "powerless" and "powerful". Powerless speech includes many intensifiers (very, so), hedges (I guess, kinda), hesitations (you know, uh, eee) and empty adjectives (those used to express speaker's feelings more than to provide necessary information, i.e. charming, awesome, cute, etc). Grammatically this type of speech is formal and includes many polite forms (regular use of please, thank you) and disjunctive questions. Speakers who are considered to be "powerful" do not use any hedges and hesitations. People who use powerful style of speaking would more likely convince listeners to believe that they are confident in their words and evoke compassion and respect.

The actual judicial text (or court decision) occupies a special place in the system of genres of legal discourse. In the legal system making a decision completes the stage of judicial review. Therefore, a court decision is a civil procedural act that summarizes the process of the court's activities to consider and resolve the case on its merits. The court decision is an independent genre with its compositional and linguistic features, so in order to correctly translate the court decision and preserve its functional features, the translator needs to understand the specifics of the text of this genre. It combines elements of description, explanation, proclamation of legal norms, and orders.

The addressee of a court decision is a judge, and in some cases – a panel of judges. As for the addressee, there are certain specifics here. First of all, the court decision is addressed to the person in respect of whom it is made (usually the applicant). In addition, if the court's practice is preliminary, which is typical for English – speaking countries, in particular for the United Kingdom and the United States, which belong to the Anglo - Saxon legal family, then the addressee is also the judicial Corps, which should later be guided by the decision already made when resolving a similar disputed issue. Finally, the addressee of the court decision

is the general public as a whole, since the text of the decision is publicly available on the official website of a particular court, and anyone can read it. The purpose of judicial decision as a genre is to make a certain verdict, a decision on a certain issue. Com-positionally, any decision consists of an introductory part, a descriptive-motivational part, and a final (operative part).

In this case, the translator is faced with the need to translate the so-called technical terminology, that is, terminology that is not actually legal, but related to various branches of knowledge and is used in the legal text. Translation of such terminology requires familiarity with the scope of its functioning.

In addition to the above, it should be added that when considering any case, the court referring to a particular precedent can either state the issue that has already been revised, or quote from the precedent. In order to understand what is being said, the translator must find the specified case in the original language and the official translation of this case into Ukrainian or Russian, if any.

Researchers have repeatedly addressed the problem of equivalence in the translation of scientific and technical literature, including legal literature. V. S. Vinogradov interprets the concept of equivalence as "preserving the relative equality of content, semantic, stylistic and functional communicative information contained in the original and translation" (Vinogradov, p.19, 2004). Alimov considers that scientists identify six main functional and stylistic types of texts for translation: conversational, business, informative, scientific, artistic and religious (Alimov, 2006, p.16-17). According to this classification, legal texts belong to official business texts that are fully focused on changing the content. According to the author, the method of literal translation is often used for such documents, since the Ukrainian language has fewer well – established rhetorical cliches than European languages. In addition, the legal language is the official language of the state for communication with the population and requires, first of all, clarity and accuracy of the presentation of opinions. This language is characterized by a complete lack of individualization, standardization, since the law appeals to all citizens as a whole, and not to a specific individual.

Translation of texts of legal discourse involves not only the transition from one language to another, but also from one legal system to another, which is one of the main problems that a translator faces when reproducing a legal text. The primary recipient of a legal text, being a native speaker of a language and a certain national mentality, has an indisputable advantage over the secondary recipient due to the lack of the latter's ability to independently interpret the meaning and a text function that is used by an interlanguage intermediary – translator. The translator is a kind of connecting link that provides not only the transition from language to language, but also performs the interpretation of out - of - order meanings that are not available to the secondary recipient. Extra-linguistic meanings include both extralinguistic features of the linguistic Act and its propositional conditions. Their interpretation is also included in the tasks of translation and directly affects the perlocutionary effect, which concerns the reactions of recipients. In translation theory, the role of equivalence of responses of recipients of the source language and the translation language on the way to creating an adequate translation is rightly noted.

In terms of its meaning, the translation of legal texts consists in the process of transmitting the original text into the translation language while maintaining the legal force of the document. The legal force of a document is understood as the authority of an official document provided to it by the current legislation, the competence of the body that issued it, and the established procedure for registration. When translating a legal text, the key point is precisely to preserve the legal force, which actually constitutes the legal property of the document. For example, the transfer of an order, which is essentially a directive Speech Act, provides for the creation of a similar speech act in the language of translation, regardless of the language means of its expression in a foreign language, in order to ensure an equivalent reaction from the addressees of the original text and the translation text.

However, the preservation of the legal, and therefore illocutionary, power of the document does not always provide for the translation of the speech act with complete symmetry, due to certain features of the language.

S. V. Grinev, in turn, highlights the peculiarities of the selection of equivalents for foreign - language terms among the translation difficulties characteristic of the translation of legal texts.

In his opinion, if there is only one equivalent, then “this translation situation is not particularly difficult, since all that is necessary is only to check the adequacy of the replacement in a particular text” (Arnold, 2003, p. 261). If there are several translation equivalents, it is necessary to choose the most appropriate translation option in this case, “which is not always a simple task due to the discrepancy between terminology and not always the high quality of dictionaries” (Arnold, 2003, p. 260).

An illustrative example of the variation of terms in the legal systems of Ukraine, Great Britain and the United States is the translation of the Ukrainian term “lawyer”. "Longman Dictionary of English Language and Culture” gives the following interpretation of the term “lawyer”: “Lawyer” is the most general word for talking about someone who either represents people in a court of law or advises people about legal problems. Lawyers sometimes do legal work that is related to only one particular area of the law, such as medical cases, or company law, or they can do general work for many different types of legal cases. In the US, a lawyer can also be called an attorney which means exactly the same. The word counselor is also used in the US to mean a lawyer, especially one working in a court of law, and it can be used as a title when speaking to a lawyer in court. In the UK, a lawyer who represents someone in court is called a barrister and a lawyer who mainly works in an office is called solicitor, and these two types of lawyers have different training”.

From the presented interpretations, we can see that the difference between the equivalents of the term “lawyer” is not only in its belonging to a certain legal system (to the system of English, American or Scottish law), but also

in the functions performed by a lawyer. For example, the terms advocate, barrister, and counselor refer to a lawyer whose main duty is to represent the rights of accused or plaintiffs in court. So, the problem of variability should be given special attention when translating units that relate to national terminology and term systems.

At the same time, the translator of legal discourse texts should use the same terms for the same situation, because using different terminology can lead to unintended negative consequences. For example, when drawing up contracts, each new term for the same word may lead to mutual understanding of the parties, and when translating a court ruling or verdict, any erroneous use of the equivalent of the word can change the meaning of the document and even lead to legal conflicts.

Accuracy, which is another requirement when compiling and translating a legal text, limits the possibility of using synonymous substitution, which causes the substitution of shades of meaning. The translator needs to make sure that all words are used clearly in their direct meaning.

Legal texts, and especially court decisions, are characterized by objectivity, and the slightest hint of expressing someone's subjective opinion is unacceptable. Objectivity is also achieved due to the complete absence of any emotionally colored vocabulary. In turn, the objectivity of the presentation of the text leads to formality, that is, a complete lack of emotion. Formality, as another characteristic feature of legal discourse, is manifested in the absence of words used in a figurative sense, as well as the absence of colloquial and slang vocabulary. Inconsistent presentation of facts, lack of clarity of wording, incorrectly selected matches of words and non-compliance with the design or the location of banking details when translating legal texts creates obstacles to their basic legal function and purpose.

Therefore, when working on legal documents, it is important to remember and take into account the basic principles of the technique of composing legal texts.

Violations of the principles and rules of legal technology are classified as legislative errors. So, the translation of legal texts consists in the process of transmitting the original text into the translation language while preserving the legal force of the document. The main problems in translating legal texts include the problem of terminological conflicts, which is closely related to the need for a translator to switch not only from one language to another, but also from one legal system to another. The degree of difficulty of translating a legal text depends on the degree of kinship between the legal systems of the original and translated languages. The main linguistic problem of legal translation is the lack of equivalent terminology in different languages. Overcoming these problems requires the translator to constantly compare legal systems, use clearly defined terms for each situation, and consistently understand the principles and rules of jurisprudence.

3.2 Difficulties of court interpreting and translating

The purpose of translation is to establish an equivalence relationship between the source and translated text (so that both texts carry the same meaning). These restrictions include the context, grammar rules of the source language, writing traditions, idioms, and so on.

Translation differs from abbreviated presentation, retelling, and other forms of text reproduction in that it is a process of recreating the unity of the original content and form. The quality of a translation is determined by its adequacy or usefulness. According to A.V. Fedorov, "full-fledged translation means exhaustive accuracy in transmitting the semantic content of the original and full functional and stylistic compliance with it" (Fedorov, 2002, p. 15).

It should be remembered that when translating certain lexical and grammatical elements of the original can be transmitted in different ways, if they are acceptable from the point of view of adequacy. The translator uses lexical, grammatical, stylistic and other types of transformations, calcification,

transliteration, transcription and other translation techniques and methods to achieve adequacy.

There are several types of translation, and in each of them, adequacy is achieved in its own way. From the point of view of functional and communicative orientation, there are three types of translation: artistic, socio-political, and special.

From the point of view of design and perception, there are four types of translation:

Visual-written (written translation of a written text).

Visual-oral (interpretation of a written text).

Interpretation at the hearing.

Written translation by ear.

The listed types of translation can be further differentiated by their design and perception: translation with or without preparation. Interpretation by ear can be one-way, two-way, etc.

Legal translation is one of the types of special translation and can be considered in two ways: as a field of practical language activity and as an academic discipline.

As a field of practical language activity legal translation is a type of special translation, have as their object the transfer of various written and oral legal texts by means of another language. Since law is a subject area related to the socio-political and cultural characteristics of a country, legal translation is not an easy task. For adequate transmission of legal information, the language of legal translation must be particularly accurate, clear and reliable.

Sometimes legal translation is considered a special type of technical translation.

Legal translation, is a thematic translation of high complexity, due to many factors including: the complexity of "legal language", the presence of specific terminology particular type of document, features of international law, presence in the legal text of the highly specialized conventional phrases and turns of speech.

Depending on the type of legal documents being translated, legal translation is divided into:

- translation of laws and regulations and their drafts;
- translation of contracts;
- translation of legal opinions and memoranda;
- translation of apostilles and notarial certificates;
- translation of constituent documents of legal entities;
- transfer of power of attorney.

The study of language features of written and oral speech on legal topics is of great importance for a lawyer with knowledge of a foreign language.

These features include:

1. Great saturation and legal material legal vocabulary, most of which are legal terms, many of which translated into the Russian language and descriptive phrases *(remedy – средство судебной защиты, deterrence – средство удержание от совершения преступных дел, indictment – обвинительный акт, etc.).*

2.The presence of writing and speaking on legal topics of special idiomatic expressions and phraseological combinations, are not used or rarely used in common language *(to make default – 1. not to perform duties, 2. not to appear in court; Marshal of the court – bailiff; to meet – to contest a claim, etc.).*

3. The presence of certain stylistic deviations from common norms, sometimes quite considerable. Here you can refer to:

- wide application in English of elliptic structures (abbreviated, without articles), especially in periodically compiled standard documents, the form and content of which change within small limits (reports, reports, decisions, conclusions);
- the presence of official-clerical style turns in documents devoted to General or administrative issues;
- strictly regulated use of verb forms and turns of speech of special terminology in certain legal documents.

4. Use of Latin expressions in legal texts: *mens rea – виновная воля, вина; stare decisis – обязывающая сила претендентов, etc.*

5. The presence of abbreviations, most of which are used only in legal texts and documents: (English) *ALJ – Administrative Law Judge – суддя адміністративного суду; USJC-United States Judicial Code – кодекс законів США о судоустрої; CtApp - Court Appeal – апеляційний суд, etc.*

When translating legal texts, one should not forget that each country has its own legal system, corresponding legal terminology, and its own realities. For example: *місто-графство в Англії – County of city (of town), county – графство, округ США– a metropolitan town; county – округ, court of error – апеляційний суд (in some US States), and so on.*

The style of presentation of a legal document should correspond to the style of the same material in the language into which the translation is made, but when translating a number of documents and texts, the style of the original may be preserved in the translation.

When translating legal texts, it should be remembered that many common words in legal texts may have terminological meaning and to avoid interference, in this case interference of some known meanings of words and expressions of General or special meaning in the legal text, it is necessary to use the appropriate dictionaries and reference books.

Legal terms are usually ambiguous, but in a certain context they have one of their meanings, and the translator must not make a mistake in choosing the exact meaning of a word or phrase. When performing legal translation, an experienced translator tries to use accurate and correct translation a legal term that takes into account the social and linguistic traditions of the country where the legal document is being translated, the specifics of the language, its structure, grammatical structure, and legal vocabulary that distinguish it from other languages. In order to learn how to correctly use legal terms in combination with the current legal norms of a particular country and to master the legal vocabulary perfectly, the translator must have special practical and theoretical skills.

Of course, it is extremely difficult for a translator with a general linguistic education to solve such tasks. Therefore, it is better to trust legal translation to lawyers who specialize in this area of legislation and have a good command of the translation language or linguists who have many years of experience in the target industry. Competent translation of a simple reference or contract may require knowledge that few people have. An important criterion for selecting candidates for the position of translator of legal literature is many years of experience in translation.

Translators of legal texts are required not only to have a linguistic education, but also to have a deep and comprehensive knowledge of law: it is necessary to have legal and legislative knowledge not only of domestic law, but also of the international legal system (many language constructions used in the jurisprudence of a particular country have no analogues in other countries). Therefore, when translating legal documents, it is better and more reliable to involve translators who have not only linguistic, but also a second higher legal education, as well as translation experience of at least five years.

Errors in the translation of the contract text can lead, for example, to material damage and legal action.

Taking into account the fact that legal translation is associated with certain legal services: notarization of the translation, apostille stamp and legalization of documents, the authenticity of the translation occupies a special significant place in the implementation of translation and related legal services. When performing an authentic translation, the translator must be especially careful, accurate and precise, because in this case the cost of an error or a simple typo is extremely high.

Usually, a notarized translation is required for the following documents: power of attorney, constituent and statutory documents, financial documentation and reporting, extracts from trade registers, passports, birth certificate, marriage certificate, divorce certificate, certificate of change of name, driver's license, certificate of no criminal record, consent to leave the child accompanied by one of the parents, work certificates and other documents.

So, the translator of legal texts must strictly comply with the following key requirements:

- have sufficient experience in translation activities in the target area;

- be able to understand the meaning of the original legal text that it translates;

- have a perfect command of the language into which it translates and do not distort the content of the original legal document;

- excellent command of legal vocabulary and correct use of special terms accepted in international jurisprudence;

- the translation should fully convey the ideas of the original, be clear and easy to read as the original document;

- know the changes and additions made to the normative legal acts of state and international law.

When translating a text from the field of law, the translator must not forget the following. The source text is organized in accordance with the relevant legal system, which is reflected in the legal language it contains, and the translation text is intended for use in another legal system with specific legal language.

In addition to terminological gaps (lack of terms), or the absence of corresponding lexical equivalents, the translator should remember that text conventions in the source language often depend on cultural characteristics and may not correspond to the conventions of the translation text. Language constructs that are characteristic of interpretation: for the source language, there are no direct equivalents in the target language. In this regard, the task of the translator is to find constructions in the target language that have functions similar to the functions of the source language constructions.

Thus, translation in modern science is understood as a process or result of human activity, which is complex, multi-faceted, expressed in the interpretation of the meaning of a text in one language (the source language) and the creation of a new, equivalent text in another language (the translating language).

In order to be able to translate legal documents professionally, you must not only know two languages, but also know them in combination with the legal requirements and conditions in force in the country where the legal translation is performed.

Conclusions to Chapter Three

1. Translation of texts of legal discourse involves not only the transition from one language to another, but also from one legal system to another, which is one of the main problems that a translator faces when reproducing a legal text.

2. The purpose of translation is to establish an equivalence relationship between the source and translated text (so that both texts carry the same meaning). These restrictions include the context, grammar rules of the source language, writing traditions, idioms, and so on.

3. The translator is a kind of connecting link that provides not only the transition from language to language.

4. Legal texts, and especially court decisions, are characterized by objectivity, and the slightest hint of expressing someone's subjective opinion is unacceptable.

5. The main problems in translating legal texts include the problem of terminological conflicts, which is closely related to the need for a translator to switch not only from one language to another, but also from one legal system to another.

GENERAL CONCLUSIONS

American legal system has been regarded as a role model for many other legal systems all over the world. However, there is an enormous number of articles, publications, films where we can witness considerable weaknesses of American legal system that involves trial by jury. There appears a question: "Why is it happening even to the most powerful country in the world?" There are several reasons for it. The first one is the fact that lawyers are the most skillful players on this battlefield. They are the only participants who have the right to deliver speeches (especially opening and closing arguments) before the jurors. The target of courtroom speech is to affect psychologically and emotionally the jury as well as ensure certain changes into their point of view so that in the future they could give back a desirable verdict. The second reason is the fact that American trial by jury is said to be the subjective one, where juries can be quite sentimental, where decisions concerning verdicts are made according to their emotions or intuition more than according to law and evidence. The third reason is the fact that attorneys usually overuse their rights and play greatly on jury's feelings and compassions concerning their defendants.

The court is a place for law and language to perform. Those both substances are interconnected and can successfully function while court proceedings, being implemented together only. The language applied within court discourse is followed by the variety of expressive means and stylistic devices, which are claimed to be an excellent supplement for both positive and negative rendering of argumentation.

The study of court speeches to date is relevant. This topic attracts with its versatility and combination of many linguistic aspects in the context of law and psychology. Incredibly exciting and promising is the stylistic aspect, namely the use of stylistic figures as the primary means of emotional influence on the

recipient. The role of parallel syntactic constructions, elliptical and inverted sentences, simple epithets, idiomatic expressions, phraseological units, metaphors undoubtedly attracts the attention of the philologist, since stylistic figures carry a significant emotional load and are the main field of our research.

Court speeches, as well as other types of speech activities, not only provide information exchange of speakers but also reflect their emotional state in the course of communication. To achieve this goal, the language has developed a unique code: special signs transmit different types of emotions.

Language and law are related, the law needs the language to express itself, at the same time the language needs disciplines to be described. Moreover, these two spheres have much in similar. The current legal realities demonstrate that linguists are taking participation in legal procedures as assistants or as experts. The problem that linguists need not only possess the knowledge of linguistics and its methods, but understand deeply key aspects of law.

Current legal realities clearly demonstrate that development in the law can't exist without language aspects. Neutral style of legal language convicts the interpretation of concrete linguistic ways of rule regulations expression by: rejecting rhetorical methods of strengthening or weakening expression in the absence of legislative text metaphors, hyperbole and other means of speech and brightness of expression in legislative texts.

In conclusion, lawyers use the language primarily to make it obscure to people who are not knowledgeable about law. The obscurity of legal English has grown out of legal tradition as a by-product of traditionally entrenched concepts. Despite the efforts to reform, changes in legal language are not considered to be radical. Although legal writing in plain English is promoted, plenty of issues still remain to be improved, and this goal is attainable.

The general linguistic features of Legal English are changing. Legal English is undoubtedly better, but it is a common conclusion that those changes are going at a very slow pace, and it is still quite common to see typical binomials in legal documents.

Translation of texts of legal discourse involves not only the transition from one language to another, but also from one legal system to another, which is one of the main problems that a translator faces when reproducing a legal text.

Translators of legal texts are required not only to have a linguistic education, but also to have a deep and comprehensive knowledge of law: it is necessary to have legal and legislative knowledge not only of domestic law, but also of the international legal system (many language constructions used in the jurisprudence of a particular country have no analogues in other countries). Therefore, when translating legal documents, it is better and more reliable to involve translators who have not only linguistic, but also a second higher legal education, as well as translation experience of at least five years.

So, the translator of legal texts must strictly comply with the following key requirements:

- have sufficient experience in translation activities in the target area;
- be able to understand the meaning of the original legal text that it translates;
- have a perfect command of the language into which it translates and do not distort the content of the original legal document;
- excellent command of legal vocabulary and correct use of special terms accepted in international jurisprudence;
- the translation should fully convey the ideas of the original, be clear and easy to read as the original document;
- know the changes and additions made to the normative legal acts of state and international law.

РЕЗЮМЕ

Поняття судового дискурсу завжди привертало увагу, адже має багато труднощів, враховуючи лінгвістичні, стилістичні та перекладацькі аспекти. Тема цієї магістерської роботи: «Лінгвістичний і перекладацький аспекти сучасного англомовного судового дискурсу».

Мова та закон є тісно пов'язаними, адже саме завдяки словам кожна зі сторін судового процесу досягає своєї мети. Специфіка судового жанру значно відрізняє цілі суддів та адвокатів, таким чином мова перших повинна бути чіткою, стосуватись лише закону, адже вони є гарантами закону, позбавлена будь-яких мовних засобів, та, як правило може суттєво відрізнятись вживанням специфічного глосарію, що явно робить судовий дискурс складним та відмінним порівнюючи з політичним, чи медійним. Натомість, мова адвокатів є багатою на мовні засоби, аби забезпечити емоційний вплив на слухачів для здійснювання різних цілей.

Дипломна робота магістра складається зі вступу та трьох розділів. У **першому розділі** йдеться про нерозривний взаємозв'язок між мовою та правом, яким чином лінгвістика співпрацює з юриспруденцією, поняття дискурсу, особливості судового дискурсу та його специфічні складові. Метою **другого розділу** є характеристика лінгвальних проявів судового дискурсу, описуються лексичні та граматичні особливості судових промов, вживання архаїзмів та професійного сленгу, пасивних конструкцій, а також наголошується на мовних засобах, які функціонують у промовах адвокатів та несуть певне емоційне забарвлення з маніпулятивною чи інформативною метою. Завданням **третього розділу** є аналіз перекладацької роботи, опис труднощів, які можуть бути викликані специфікою судового жанру та глосарію.

Ключові слова: discourse, courtroom speech, legal language, court interpreting, law.

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