

<<法律英语综合教程>>

图书基本信息

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## 前言

随着我国人世和改革开放程度不断加深，越来越多的外资进入中国市场，越来越多的中国企业走出国门寻找商机。

无论是迎进来，还是走出去，这些企业所面临的一个共同问题就是法律问题，而这些法律问题中的大多数又都属于涉外法律的工作范畴。

由于法律文化、法律条款的差异，中外双方在合作过程中不可避免的会出现许多矛盾分歧，减少、化解这些矛盾分歧需要沟通谈判，甚至需要通过法律手段来解决问题。

所有这些工作都需要法律工作者通过专业外语完成。

因此，在国际化趋势日见凸显的今天，掌握专业外语已经成为法律人必备的职业素质。

众所周知，美国法是英美法系的典型代表，其法律体系完整、内容丰富，既有传统的普通法，又有新兴的成文法；既有统一的联邦法，又有各州的法律。

同时，美国法在世界范围内影响深远，学习研究美国法意义重大，这不仅表现为许多国家都在研究美国的法律规则，借鉴其成熟做法，还表现为许多国际公约也参照美国法的理念、原则、规则制定。

因此，本书作为学习法律英语的精读教材，主要介绍美国法，希望读者通过学习权威、实用的美国法律知识，掌握地道、纯正的法律英语。

一般的语言教材都会系统的讲授语法知识，但本书的编写设想学生已经完成了从中学英语到大学一、二年级的基础英语学习，系统掌握了英语语法等基础知识并有不低于六千英语词汇量。

本书具有以下特点：首先，编者参考了大量的美国原版法学书籍，包括美国法学院教材及大量判例，力求实现教材内容的权威性和丰富性。

其次，本书引用了许多极具代表性的英文案例。

英美法系是判例法系，无论是法官还是律师都特别注重对判例的研究，因此学习美国法不能绕过案例，通过研究案例更有利于掌握标准的法律英语，也更容易掌握美国法的精髓。

本书选取了十几个经典案例，以期最大程度的展现美国法原貌。

再次，本书在每部分后面都附有相关的练习题，以期帮助读者检查自己学习掌握法律英语术语、基础美国法知识和逻辑推理知识的程度，查漏补缺。

本书共分十三部分。

第一、二部分首先介绍了基本法律英语词汇的特点、美国的法律体系，这是学好法律英语的基础。

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### 内容概要

随着我国入世和世界经济一体化进程的不断加快, 国际交流合作日益增多, 涉外法务活动空前频繁, 法律英语的重要性日益凸显。

掌握专业英语已经成为现代法律人必备的职业素质。

由于法律英语的特殊性, 国内一直没有一个科学的考核指标衡量法律从业人员专业英语的掌握程度。法律英语证书(LEC)全国统一考试的推出为我国法律英语的教与学指明了方向, 意义重大, 影响深远。

## 书籍目录

Part One Basics of Legal English  
 Chapter 1 Introduction  
 Chapter 2 Historical Development of Legal English  
 Chapter 3 Characteristics of Legal English  
 Chapter 4 Terms and Rules in Legal English  
 Chapter 5 General Legal Terms  
 Chapter 6 Legal Citations  
 Part Two American Legal Regime  
 Chapter 1 Overview of the U. S. Court System  
 Chapter 2 Jury Trial  
 Chapter 3 The Adversary System  
 Chapter 4 Appellate Courts  
 Chapter 5 Appellate Judges  
 Chapter 6 Court Opinions and Case Digests  
 Part Three Constitutional Law  
 Chapter 1 Introduction  
 Chapter 2 The Judicial Power  
 Chapter 3 Legislative Power  
 Chapter 4 Individual Guarantees Against Governmental or Private Action  
 Chapter 5 Retroactive Legislation  
 Chapter 6 Procedural Due Process  
 Chapter 7 Substantive Due Process  
 Chapter 8 Equal Protection  
 Chapter 9 Fundamental Rights  
 Part Four Contracts  
 Chapter 1 Introduction  
 Chapter 2 Basics of Contracts  
 Chapter 3 Contract Formation  
 Chapter 4 Capacity of a Contract  
 Chapter 5 Vitiating Factors  
 Chapter 6 Problems Involving Persons Other than the Parties to the Original Contract  
 Chapter 7 Discharge  
 Chapter 8 Breach of Contract  
 Chapter 9 Remedies for Breach of Contract  
 Chapter 10 Dispute Settlement  
 Part Five Torts  
 Chapter 1 Introduction  
 Chapter 2 Intentional Torts  
 Chapter 3 Defenses to Intentional Torts  
 Chapter 4 Negligence  
 Chapter 5 Cause in Fact  
 Chapter 6 Proximate Cause  
 Chapter 7 Multiple Tortfeasors  
 Chapter 8 Damages for Personal Injuries  
 Chapter 9 Limited Duties: Special Limitations on the Scope of Duty  
 Chapter 10 Premises Liability: Duties of Owners and Occupiers of Land  
 Chapter 11 Defenses  
 Chapter 12 Vicarious Liability  
 Chapter 13 Products Liability  
 Chapter 14 Defamation  
 Chapter 15 The Privacy Torts  
 Chapter 16 Competitive Torts  
 Part Six Property Law  
 Chapter 1 Introduction  
 Chapter 2 Acquisition of Property  
 Chapter 3 Possessory Estates  
 Chapter 4 Future Interests  
 Chapter 5 Concurrent Estates  
 Chapter 6 Landlord and Tenant  
 Chapter 7 Fixtures  
 Chapter 8 Rights in the Land of Another Easements, Profits, Covenants, and Servitudes  
 Chapter 9 Conveyancing  
 Chapter 10 Cooperatives, Condominiums, and Zoning  
 Chapter 11 Nuisance  
 Part Seven Evidence Law  
 Chapter 1 Introduction  
 Chapter 2 General Considerations  
 Chapter 3 Relevance and Judicial Notice  
 Chapter 4 Real Evidence  
 Chapter 5 Documentary Evidence  
 Chapter 6 Testimonial Evidence  
 Chapter 7 The Hearsay Rule  
 Chapter 8 Procedural Considerations  
 Part Eight Civil Procedure  
 Chapter 1 Introduction  
 Chapter 2 Personal Jurisdiction  
 Chapter 3 Diversity of Citizenship Jurisdiction  
 Chapter 4 Federal Question Jurisdiction  
 Chapter 5 Venue  
 Chapter 6 Removal Jurisdiction  
 Chapter 7 Conflict of Jurisdiction between States and Federal Courts  
 Chapter 8 The Federal Rules of Civil Procedure  
 Part Nine Criminal Law  
 Chapter 1 Introduction  
 Chapter 2 What Makes a Case a Criminal Case?  
 Chapter 3 How to Interpret Criminal Statutes  
 Chapter 4 How Defendants Mental States Affect Their Responsibility for a Crime  
 Chapter 5 Criminal Offenses  
 Chapter 6 Implications of a Crimes Classification  
 Part Ten Criminal Procedure  
 Chapter 1 Constitutional Restraints  
 Chapter 2 Exclusionary Rule  
 Chapter 3 Fourth Amendment  
 Chapter 4 Confessions  
 Chapter 5 Pretrial Procedures  
 Chapter 6 Trial  
 Chapter 7 Guilty Pleas and Plea Bargaining  
 Chapter 8 Constitutional Rights in Relation to Sentence and Punishment  
 Chapter 9 Constitutional Problems on Appeal  
 Chapter 10 Rights during Punishment-Probation, Imprisonment, Parole  
 Chapter 11 Double Jeopardy  
 Chapter 12 Forfeiture Actions  
 Part Eleven Intellectual Property Law  
 Chapter 1 Introduction  
 Chapter 2 Trade Secrets  
 Chapter 3 Patent  
 Chapter 4 Copyright  
 Chapter 5 Trademark Law  
 Part Twelve Business Law  
 Chapter 1 Introduction to Business Forms  
 Chapter 2 Partnership  
 Chapter 3 Limited Liability Company  
 Chapter 4 Corporation  
 Chapter 5 Securities  
 Chapter 6 Commercial Paper  
 Part Thirteen Logical Reasoning  
 Chapter 1 Introduction  
 Chapter 2 Assumptions  
 Chapter 3 Method of Argument  
 Chapter 4 Faulty Logic  
 Chapter 5 Strengthening or Weakening  
 Chapter 6 Parallel Reasoning  
 Chapter 7 Inference  
 Chapter 8 Other Question Types  
 Appendix: Key to the Exercises  
 References

## 章节摘录

The field of torts embraces a group of civil wrongs other than breach of contract that interfere with person, property, reputation, or may sometimes be both a crime punishable by the state in a criminal prosecution and also a tort actionable by the victim in a suit for damages. The criminal prosecution and the damage action are quite separate and unrelated proceedings. The essential purpose of the law of torts is compensatory and, though punitive damages may occasionally be awarded its essentially punitive and an injured party is not awarded compensation in the criminal proceeding. Tort law is chiefly state rather than federal law and so varies somewhat throughout the country. It may also be helpful to know something of the intellectual history of tort law in the United States. The following excerpt is only a small introduction to the fascinating subject: The emergence of Torts as an independent branch of tort law fell strikingly late in American legal history. Although William Blackstone and his eighteenth-century contemporaries, in their efforts to classify the law, identified a residual category of noncriminal wrongs not arising out of contract, Torts was not considered a discrete branch of law until the late nineteenth century. The first American treatise on Torts appeared in 1859; Torts was first taught as a separate law school subject in 1870; the first torts casebook was published in 1874.

A standard explanation for the emergence of an independent identity for Torts late in the nineteenth century is the affinity of tort doctrines, especially negligence, to the problems produced by industrialization. The process by which Torts emerged as a discrete branch of law was more complex, however, and less dictated by the demands of industrial enterprise than the standard account suggests. Changes associated with industrial enterprise did provide many more cases involving strangers, a phenomenon that played a part in the emergence of Torts as an independent branch of law. But even this new increase in cases in which the litigants had no prior relationship would not have been sufficient had it not come at a time when legal scholars were prepared to question and discard old bases of legal classification. The emergence of Torts as a distinct branch of law owed as much to changes in jurisprudential thought as to the spread of the industrialization. "Civil Liability" vs. "Criminal Guilt"

Someone can be "liable" for a tort. That person has tort liability, and may be liable to pay damages to the injured party. In criminal law, however, someone may be "guilty" of a crime. There are some other differences between tort law and criminal law. Tort actions are brought by private parties, while criminal actions can only be brought by the state or federal government. Damages in a tort action are awarded to the plaintiff, while a fine assessed against a criminal defendant is paid to the state or federal government.

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### 编辑推荐

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