21世纪高等学校专业英语系列规划教材

法律

专业英语教程

——美国法律与法律制度

董晓波　主编

清华大学出版社·北京交通大学出版社

内 容 简 介

本书将学习英语与了解以美国为代表的英美法律、法律制度，提高实用法律英语操作能力紧密结合，即不仅注重英语能力的培养，也强调涉外法律专业知识的传授和技能的训练。

本书除了适合“英语 + 法律”、“法律 + 英语”的涉外型、复合型本科生、研究生使用外，也可供法学、外交、国际贸易、国际金融和国际政治等专业的本科生、研究生学习法律和英语之用。此外，对于广大法律英语爱好者及希望了解英美法律和法律制度的专业人士，也是难得的参考书。

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图书在版编目（CIP）数据

法律专业英语教程：美国法律与法律制度/董晓波主编．—北京：清华大学出版社；北京交通大学出版社，2011.3
（21 世纪高等学校专业英语系列规划教材）
ISBN 978 - 7 - 5121 - 0526 - 3

Ⅰ．① 法…　Ⅱ．① 董…　Ⅲ．① 法律 - 英语 - 高等学校 - 教材　Ⅳ．① H31

中国版本图书馆 CIP 数据核字（2011）第 031074 号

责任编辑：王晓春
出版发行：清 华 大 学 出 版 社　邮编：100084　电话：010 - 62776969　http://www.tup.com.cn
　　　　　北京交通大学出版社　邮编：100044　电话：010 - 51686414　http://press.bjtu.edu.cn
印 刷 者：环球印刷（北京）有限公司
经　　销：全国新华书店
开　　本：185 × 243　印张：14.75　字数：342 千字
版　　次：2011 年 3 月第 1 版　2011 年 3 月第 1 次印刷
书　　号：ISBN 978 - 7 - 5121 - 0526 - 3/H · 229
印　　数：1 ～ 4 000 册　定价：25.00 元

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Preface

前　言

本书是为高等院校法学专业的本科生和研究生编写的，是一本通俗、系统地介绍英美（尤其是美国）的法律和法律制度的专业英语教材。

基于历史和现实的原因，英美法适用范围广、影响大，几乎占据法律世界半边天。英美两国自不待言，择其要者还有加拿大、澳大利亚、新西兰、印度，此外还包括亚洲、非洲大量讲英语的国家。随着中国改革开放的深入和市场经济的迅速发展，中国加入世界贸易组织，世界经济全球化趋势加快，中国已成为世界经济发展的重要组成部分。截至 2008 年底，美国已有 80 多家律师事务所在北京、上海等地设立了分支机构。可见，当今中国迫切需要越来越多的既懂涉外法律又懂外语的高素质、复合型法律人才。为了适应这一需求，尽快培养高素质的“英语 + 法律”、“法律 + 英语”的涉外型、复合型人才，笔者根据自己在美国学习法律的体会和在国内教授法律英语的经验，精心编写了这本《法律专业英语教程——美国法律与法律制度》。本书将学习英语与了解以美国为代表的英美法律、法律制度，提高实用法律英语操作能力紧密结合，即在学习英语的同时，使学生系统地了解以美国为代表的英美法律和法律制度的概貌，在了解英美法律的同时，学习和操练英美法律涉及的常用词汇和表达方式，在巩固一般语言知识和运用能力的基础上，进一步扩展学生的语言知识，提高学生的语言应用能力，特别是涉及法律和法律制度的语言知识和运用能力。

本书选材广泛，信息量大，基本包含了以美国为代表的英美国家法律和法律制度的主要方面，并且增加了国际法、世界贸易组织法律制度等相关内容。本书文字浅显，结构严谨，行文流畅，语言地道，所有的文章均由美国等英语国家法律专业人士写作。在编选时，除极少数文章因技术需要略作删节外，力求保持原文风貌，避免一些同类教材用汉语材料译成英语留有语言生硬的翻译痕迹，让读者享受纯正的法律英语。在编排体例方面，为了方便读者提高阅读能力，本书增加了文章背景知识介绍，言简意赅地介绍文章基本线索，便于读者快速阅读和理解文章主旨。词汇部分主要汇集法律专业词汇，以降低阅读难度，增加读者专业词汇数量。注释力求简单明了，方便读者了解法律知识。书后附有练习答案，便于读者自学，自测学习效果。本书所选资料主要来源于国内

外的网站（如维基百科等）、LexisNexis 法律资料库、Westlaw 法律资料库，以及笔者在美国佐治亚大学法学院做博士后期间所收集的法律英语资料，包括已出版的英文著作、各种法律英语教材等。

本书除了适合“英语 + 法律”、“法律 + 英语”的涉外型、复合型本科生、研究生使用外，也可供法学、外交、国际贸易、国际金融和国际政治等专业的本科生、研究生学习法律和英语之用。此外，对于广大法律英语爱好者及希望了解英美法律和法律制度的专业人士，也是难得的参考书。

本书是我和我的学生于银磊、杨灿、邢琴芳共同学习英美法律和法律制度的一个小结。此外，法学院法律硕士生陈全、张楠也帮助收集和整理过一些相关资料，在此表示感谢。

在整个编写过程中，我们力求完美，但是限于水平及一些不可避免的因素，书中定不乏偏颇和疏漏，恳请广大读者朋友和同行不吝指正。

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Lesson 1 Law and Legal Systems

法和法律制度

The law cannot make all men equal, but they are all equal before the law.

— Frederick Pollock (British jurist)

Background Knowledge

英美法系和大陆法系一般被认为是当今世界最重要的两大法律体系。美国与大多数英联邦国家都继承了英国法律的普通法传统。一小部分在独立战争时期实行的重要的英国成文法几乎一字不差地被美国各州照搬。但独立之后，美国法庭却很少追随英联邦判例，除非没有相应的美国判例、案情和法律条文等。美国联邦法是源于宪法赋予国会的权力为某些特定目的而制定并颁布的适用于全国的法律。几乎所有的法律都被编入《美国法典》。美国的五十个州都是独立的主权实体，拥有自己的州宪法和州政府。它们保留制定除联邦宪法、联邦法律和联邦参议院批准的国际条约规定之外的任何法律的全部权力。各州同时还将立法权授予数千个政府部门、区、县、城市与特区。

Part One Text

Law of the United States

The law of the United States was originally largely derived from the common law system of English law, which was in force at the time of the Revolutionary War. However, the supreme law of the land, under the Constitution's Supremacy Clause, is the *United States Constitution*, as well as laws enacted by Congress, and treaties to which the U.S. is a party. The Constitution forms the basis for federal laws under the federal constitution in the United States; it circumscribes the boundaries of the jurisdiction of

federal law along with the laws in the fifty U.S. states and in the territories.

Sources of law

In the United States, the law is derived from four sources. These four sources are constitutional law, statutory law, administrative regulations, and the common law (which includes case law). The most important source of law is the *United States Constitution.* All other law falls under and is subordinate to that document. No law may contradict the Constitution. For example, if Congress enacts a statute that conflicts with the Constitution, the Supreme Court may find that law unconstitutional and declare it invalid.

Notably, a statute does not disappear automatically merely because it has been found unconstitutional; it must be deleted by a subsequent statute. Many federal and state statutes have remained on the books for decades after they were ruled to be unconstitutional. However, under the principle of stare decisis, no sensible lower court will enforce an unconstitutional statute, and any court that does so will be reversed by the Supreme Court. Conversely, any court that refuses to enforce a constitutional statute (where such constitutionality has been expressly established in prior cases) will risk reversal by the Supreme Court.

American common law

The United States and most Commonwealth countries are heirs to the common law legal tradition of English law; for example, U.S. courts have inherited the principle of stare decisis.

English law was formally "received" into the United States in several ways. First, all U.S. states except Louisiana have enacted "reception statutes" which generally state that the common law of England (particularly judge-made law) is the law of the state to the extent that it is not repugnant to domestic law or indigenous conditions. Some reception statutes impose a specific cutoff date for reception, such as the date of a colony's founding, while others are deliberately vague. Thus, contemporary U.S. courts often cite pre-Revolution cases when discussing the evolution of an ancient judge-made common law principle into its modern form, such as the heightened duty of care traditionally imposed upon common carriers.

Second, a small number of important British statutes in effect at the time of the Revolution have been independently reenacted by U.S. states. Two examples that many lawyers will recognize are the *Statute of Frauds* and the *Statute of 13 Elizabeth* (the ancestor of the *Uniform Fraudulent Transfers Act*). Such English statutes are still

regularly cited in contemporary American cases interpreting their modern American descendants.

However, it is important to understand that despite the presence of reception statutes, much of contemporary American common law has diverged significantly from British Commonwealth common law. The reason is that although the courts of the various Commonwealth nations are often influenced by each other's rulings, American courts rarely follow post-Revolution Commonwealth rulings unless there is no American ruling on point, the facts and law at issue are nearly identical, and the reasoning is strongly persuasive.

Early on, American courts, even after the Revolution, often did cite contemporary English cases. This was because appellate decisions from many American courts were not regularly reported until the mid-19th century; lawyers and judges, as creatures of habit, used English legal materials to fill the gap. But citations to English decisions gradually disappeared during the 19th century as American courts developed their own principles to resolve the legal problems of the American people. The number of published volumes of American reports soared from eighteen in 1810 to over 8,000 by 1910. Foreign law has never been cited as binding precedent, but merely as a reflection of the shared values of Anglo-American civilization or even Western civilization in general.

Federal law

Federal law originates with the Constitution, which gives Congress the power to enact statutes for certain limited purposes like regulating interstate commerce. Nearly all statutes have been codified in the *United States Code*. Many statutes give executive branch agencies the power to create regulations, which are published in the *Federal Register* and codified into the *Code of Federal Regulations*. Regulations generally also carry the force of law under the Chevron doctrine. Many lawsuits turn on the meaning of a federal statute or regulation, and judicial interpretations of such meaning carry legal force under the principle of stare decisis.

In the beginning, federal law traditionally focused on areas where there was an express grant of power to the federal government in the federal Constitution, like the military, money, foreign affairs (especially international treaties), tariffs, intellectual property (specifically patents and copyrights), and mail. Since the start of the 20th century, aggressive interpretations of the Commerce and Spending Clauses of the Constitution have enabled federal law to expand into areas like aviation, telecommunications, railroads, pharmaceuticals, antitrust, and trademarks.

Procedure

After the President signs a bill into law, it is delivered to the Office of the Federal Register (OFR) of the National Archives and Records Administration (NARA) where it is assigned a law number, and prepared for publication as a slip law. Public laws, but not private laws, are also given legal statutory citation by the OFR. At the end of each session of Congress, the slip laws are compiled into bound volumes called the *Statutes at Large*, and they are known as session laws. The *Statutes at Large* present a chronological arrangement of the laws in the exact order that they have been enacted.

Every six years, public laws are incorporated into the *United States Code*, which is a codification of all general and permanent laws of the United States. A supplement to the *United States Code* is published during each interim year until the next comprehensive volume is published. The *United States Code* is arranged by subject matter, and it shows the present status of laws with amendments already incorporated in the text that have been amended on one or more occasions.

State law

The fifty American states are separate sovereigns with their own state constitutions and state governments. They retain plenary power to make laws covering anything not preempted by the federal Constitution, federal statutes, or international treaties ratified by the federal Senate.

The law of most of the states is based on the common law of England; the notable exception is Louisiana, whose law is based upon the *Napoleonic Code*. The passage of time has led to state courts and legislatures expanding, overruling, or modifying the common law; as a result, the laws of any given state invariably differ from the laws of its sister states.

Many American states have codified some or all of their statutory law into legal codes. California and Texas simply call them "Codes." Other states use terms such as "Revised Statutes" or "Compiled Statutes" for their compilations. California, New York, and Texas have separate subject-specific codes, while all other states and the federal government use a single code divided into numbered titles.

In some states, codification is often treated as a mere restatement of the common law, to the extent that the subject matter of the particular statute at issue was covered by some judge-made principle at common law. Judges are free to liberally interpret the codes unless and until their interpretations are specifically overridden by the legislature.

In other states, there is a tradition of strict adherence to the plain text of the codes.

The advantage of codification is that once the state legislature becomes accustomed to writing new laws as amendments to an existing code, the code will usually reflect democratic sentiment as to what the current law is (though the entire state of the law must always be ascertained by reviewing case law to determine how judges have interpreted a particular codified statute).

Local law

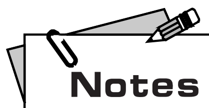
States have delegated lawmaking powers to thousands of agencies, townships, counties, cities, and special districts. And all the state constitutions, statutes and regulations are subject to judicial interpretation like their federal counterparts.

Thus, at any given time, the average American citizen is subject to the rules and regulations of several dozen different agencies at the federal, state, and local levels, depending upon one's current location and behavior.

New Words

supreme /sjuːˈpriːm/	*adj.*	最高的
supremacy /sjuˈpreməsi/	*n.*	至高，主权
enact /iˈnækt/	*vt.*	制定(法律)，颁布
circumscribe /ˈsəːkəmskraib, ˌsəːkəmˈskraib/	*vt.*	限制，立界限
jurisdiction /ˌdʒuərisˈdikʃən/	*n.*	司法权，审判权，管辖权
statute /ˈstætjuːt/	*n.*	法令，法规
statutory /ˈstætjut(ə)ri/	*adj.*	法令的，法定的
repugnant /riˈpʌgnənt/	*adj.*	不一致的
indigenous /inˈdidʒinəs/	*adj.*	本土的，本地的，土著的
fraud /frɔːd/	*n.*	欺骗，欺诈
fraudulent /ˈfrɔdʒələnt/	*adj.*	欺诈的，不正的
appellate /əˈpelit/	*adj.*	控诉的，上诉的
precedent /priˈsiːdənt/	*n.*	先例，前例
chronological /ˌkrɔnəˈlɔdʒikəl/	*adj.*	按时间顺序的
amend /əˈmend/	*vt. & vi.*	修正，改善，改良
amendment /əˈmendmənt/	*n.*	修正案，改善，改良
sovereign /ˈsɔvrin/	*n.*	主权（实体），独立国
legislature /ˈlədʒisˌleitʃə/	*n.*	立法机关

common law	普通法，习惯法，判例法
federal law	联邦法
constitutional law	宪法
statutory law	成文法，制定法
administrative regulations	行政法规
case law	案例法，判例法
conflict with	抵触（与……冲突）
Commonwealth nations	英联邦国家
judicial interpretations	司法解释
legal force	法律效力
Statutes at Large	《法令总汇》
civil law	民法，大陆法



1. **American Revolutionary War（美国革命战争，美国独立战争）:** The American Revolutionary War (1775 – 1783), also known as the American War of Independence, began as a war between the Kingdom of Great Britain and thirteen united former British colonies on the North American continent, and ended in a global war between several European great powers. The war was the culmination of the political American Revolution, whereby the colonists rejected the Parliament of Great Britain to govern them without representation which violated the Rights of Englishmen.

2. ***United States Constitution*（《美国宪法》）:** The *United States Constitution* is the supreme law of the United States. It provides the framework for the organization of the United States Government. The document defines the three main branches of the government: The legislative branch with a bicameral Congress, an executive branch led by the President, and a judicial branch headed by the Supreme Court. Besides providing for the organization of these branches, the Constitution outlines obligations of each office, as well as provides what powers each branch may exercise. It is the shortest and oldest written constitution of any major sovereign state.

3. **Supreme Court of the United States（美国最高法院）:** The Supreme Court of the United States is the highest judicial body in the United States, and leads the federal judiciary. It consists of the Chief Justice of the United States and eight Associate Justices, who are nominated by the President and confirmed with the "advice and consent"（majority vote）of the Senate. Once appointed, Justices effectively have life tenure, serving "during good Behaviour", which terminates only upon death, resignation, retirement, or conviction on impeachment. The Court meets in Washington, D. C. in the United States Supreme Court building.

4. **stare decisis（遵循先例）:** Stare decisis（Abbreviation of the Latin: Stare decisis et non quieta movere/English: maintain what has been decided; not alter that which has been established）is the legal principle under which judges are obliged to follow the precedents established in prior decisions.

5. ***United States Code*（《美国法典》）:** The *United States Code*（USC）is a compilation and codification of the general and permanent federal law of the United States. It contains 50 titles and is published every six years by the Office of the Law Revision Counsel of the U.S. House of Representatives.

6. ***Federal Register*（《联邦公报》）:** The *Federal Register*（since March 14, 1936）, abbreviated FR, is the official journal of the federal government of the United States that contains most routine publications and public notices of government agencies. The *Federal Register* is compiled by the Office of the Federal Register（within the National Archives and Records Administration）and is printed by the Government Printing Office.

7. ***Code of Federal Regulations*（《美国联邦法规总览》）:** The *Code of Federal Regulations*（CFR）is the codification of the general and permanent rules and regulations published in the *Federal Register* by the executive departments and agencies of the Federal Government of the United States. The CFR is divided into 50 titles that represent broad areas subject to Federal regulation.

8. **Chevron doctrine（"切弗伦"案理论）:** Chevron U.S.A., Inc. vs. Natural Resources Defense Council, Inc., 467 U.S. 837（1984）, was a case in which the United States Supreme Court set forth the legal test for determining whether to grant deference to a government agency's interpretation of its own statutory mandate. Chevron is the Court's clearest articulation of the doctrine of "administrative deference", to the point that the Court itself has used the phrase "Chevron deference" in more recent cases.

9. **National Archives and Records Administration（美国国家档案与文件署）:** The

United States National Archives and Records Administration (NARA) is an independent agency of the United States government charged with preserving and documenting government and historical records and with increasing public access to those documents. NARA is officially responsible for maintaining and publishing the legally authentic and authoritative copies of acts of Congress, presidential proclamations and executive orders, and federal regulations.

10. *Napoleonic Code* (《拿破仑法典》): The *Napoleonic Code* is the French civil code, established under Napoléon I in 1804. It was drafted rapidly by a commission of four eminent jurists and entered into force on March 21, 1804. It is considered the first successful codification and strongly influenced the law of many other countries. The Code, with its stress on clearly written and accessible law, was a major step in establishing the rule of law. Historians have called it "one of the few documents which have influenced the whole world."

Exercises

I Reading comprehension.

1. How many sources does the law have in the United States? What are they?
2. Is the *United States Constitution* the supreme law of the land?
3. Why has much of contemporary American common law diverged significantly from British Commonwealth common law?
4. Where did the federal law traditionally focus on in the beginning?
5. How are the laws in the *Statutes at Large* arranged?
6. What is the law of Louisiana based upon?
7. Who contributed to the idea of codification?
8. What is the advantage of codification?

II Fill in the blanks with the words and expressions in the box.

federal	legislative	expenditure	Constitution
division	delegated	the Supreme Court	efficient

The American Constitution founded federalism and introduced checks and balances into government for the first time in history. The check and balance system was based on

(1) ________ of power. For this purpose, the founders of the Constitution designed the (2) ________ system in which governmental power was divided between the federal and state governments.

The second division of power is among the different branches of the government. It is called the check and balance system. In this system, the power (3) ________ to the Federal government is divided among three separate, but interdependent branches: the (4) ________, the Executive, and the Judicial. Congress is the Legislative branch. It enjoys the power to make laws, levy taxes and appropriate money to cover government (5) ________. The Executive branch, known as the administration, is headed by the President whose duty is to execute the laws passed by Congress. The Judicial branch of the USA is composed of a series of law courts: (6) ________, 11 courts of appeals, and 91 district courts.

These three branches are granted different powers by the (7) ________, but they must work together. No branch is allowed to do what is like without the considering the opinion of the other two. This makes it difficult for persons like Hitler usurp power in America. But the strict division of power tends to make government less (8) ________ and might cause trouble, as during the debate about the slave system.

III Paragraph translation from English into Chinese.

The U.S. court system, as part of the federal system of government, is characterized by dual hierarchies: there are both state and federal courts. Each state has its own system of courts, composed of civil and criminal trial courts, sometimes intermediate courts of appeal, and a state supreme court. The federal court system consists of a series of trial courts (district courts) serving relatively small geographic regions, circuit courts of appeal that hear appeals from many district courts in a particular geographic region and the Supreme Court of the United States.

IV Paragraph translation from Chinese into English.

美国是普通法系国家。每个州依据普通法有一个法律体系，除了路易斯安那州（其依据的是《法国民法典》）。普通法系没有成文法的基础，法官通过在断案中适用从前的案例（先例）来建立普通法系。尽管明显地受到成文法权威的影响，但大多数法律，特别是关于财产、合同及侵权仍旧是普通法系的传统部分。这些领域的法大多由州管辖，因此州法律是普通法系的基本渊源。

V Exploring question.

Please try to know something about the American judicial system by looking up related resources.

Part Two Supplementary Reading

Legal Assistance (Legal Aid)

Most liberal democracies consider that it is necessary to provide some level of legal aid to persons otherwise unable to afford legal representation. To fail to do so would deprive such persons of access to the court system. Alternately, they would be at a disadvantage in situations in which the state or a wealthy individual took them to court. This would violate the principles of equality before the law and due process under the rule of law.

A number of delivery models for legal aid have emerged. In a "staff attorney" model, lawyers are employed on salary solely to provide legal assistance to qualifying low-income clients, similar to staff doctors in a public hospital. In a "judicare" model, private lawyers and law firms are paid to handle cases from eligible clients alongside cases from fee-paying clients, much like doctors are paid to handle Medicare patients in the U.S. The "community legal clinic" model comprises non-profit clinics serving a particular community through a broad range of legal services (e.g. representation, education, law reform) and provided by both lawyers and non-lawyers, similar to community health clinics.

Legal aid in the U.S.

Legal aid in the United States appeared as early as the 1870s, but for the most part, the U.S. legal aid system remained piecemeal and underfunded until well into the 20th century. In the early 1960s a new model for legal services emerged. Foundations, particularly the Ford Foundation, began to fund legal services programs located in multi-service social agencies, based on a philosophy that legal services should be a component of an overall anti-poverty effort.

Legal aid for civil cases is currently provided by a variety of public interest law firms and community legal clinics, who often have "legal aid" or "legal services" in their names. Such firms may impose income and resource ceilings as well as restrictions on the types of cases they will take, because there are always too many potential clients and not enough money to go around. Common types of cases include: denial or deprivation of government benefits, evictions, domestic violence, immigration status, and

discrimination. Some legal aid organizations serve as outside counsel to small nonprofit organizations that lack in-house counsel. Funding usually comes from charities, private donors, the federal government and some local and state governments. Most typical legal aid work involves counseling, informal negotiation, and appearances in administrative hearings, as opposed to formal litigation in the courts. However, the discovery of severe or recurring injustice with a large number of victims will sometimes justify the cost of large-scale impact litigation. Education and law reform activities are also sometimes undertaken.

Legal aid organizations that take LSC (Legal Services Corporation) money tend to have more staff and services and can help more clients, but must also conform to strict government regulations that require careful timekeeping and prohibit lobbying and class actions. Many legal aid organizations refuse to take LSC money, and can continue to file class actions and directly lobby legislatures on behalf of the poor. Many organizations that provide civil legal services are heavily dependent on Interest on Lawyer Trust Accounts for funding.

However, even with supplemental funding from LSC, the total amount of legal aid available for civil cases is still grossly inadequate. According to LSC's widely released 2005 report *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, all legal aid offices nationwide, LSC-funded or not, are together able to meet only about 20 percent of the estimated legal needs of low-income people in the United States.

Legal aid in Scotland

In Scotland, legal aid is in principle available for all civil actions in the Court of Session and Sheriff Court with the significant exception of actions of defamation. It is also available for some statutory tribunals, such as the Immigration Appeal Adjudicator and the Social Security Commissioners. There is a separate system of criminal legal aid, and legal aid is also available for legal advice.

Legal aid is means-tested, and in practice only available to less than one-quarter of the population. It is administered by the Scottish Legal Aid Board. Legal aid in Scotland is also available in criminal cases, where more than 90% of summary applications are granted. An interests of justice test is applied, as well as a means test. In solemn case (jury trials) the court assesses legal aid.

Legal aid in England and Wales

Legal aid in England and Wales was originally established by the *Legal Aid and*

Advice Act 1949. Today legal aid in England and Wales costs the taxpayer £ 2bn a year—higher per capita spend than anywhere else in the world—and is available to around 29% of adults.

Today, legal aid in England and Wales is administered by the Legal Services Commission, and is available for most criminal cases, and many types of civil cases with exceptions including libel, most personal injury cases (which are now dealt with under *Conditional Fee Agreements*, a species of contingency fee) and cases associated with the running of a business. Family cases are also often covered. Depending on the type of case, legal aid may or may not be means tested.

In July 2004 the European Court of Human Rights ruled that the lack of legal aid in defamation cases (which was the position under the *Legal Aid Act 1988*, which was the applicable Act at the time of the McLibel case), could violate a defendant's right. The *Access to Justice Act 1999* has a provision which allows the Lord Chancellor to authorize legal aid funding in cases which are otherwise out of scope of the legal aid scheme under the exceptional funding provisions. A defendant in a position similar to the McLibel defendants could potentially have legal aid assistance if their application passed the exceptional funding criteria.

Criminal legal aid is generally provided through private firms of solicitors and barristers in private practice. There are a limited number of public defenders. Civil legal aid is provided through solicitors and barristers in private practice but also non-lawyers working in law centers and not-for-profit advice agencies. The provision of legal aid is governed by the Access to Justice Act 1999 and supplementary legislation.

Legal aid in Australia

Australia has a federal system of Government comprising federal, state and territory jurisdictions. The Australian (Commonwealth) and State and Territory governments are each responsible for the provision of legal aid for matters arising under their laws.

Legal aid for both Commonwealth and State matters is primarily delivered through State and Territory Legal Aid Commissions (LACs), which are independent statutory agencies established under State and Territory legislation. The Australian Government funds the provision of legal aid for Commonwealth family, civil and criminal law matters under agreements with State and Territory governments and LACs. The majority of Commonwealth matters fall within the family law jurisdiction.

Legal aid commissions use a mixed model to deliver legal representation services. A grant of assistance legal representation may be assigned to either a salaried in house