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LEGAL ENGLISH

法律英语：运用技能与训练（第2版）

[英] William R. McKay Helen E. Charlton Grant Barsoum

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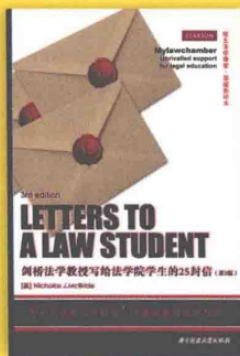
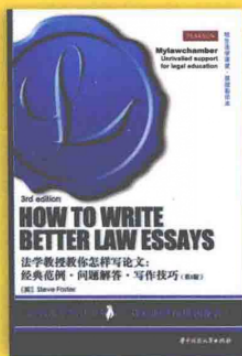
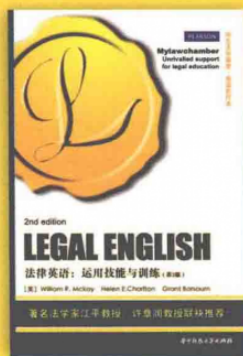
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From Alison Chisholm, Sussex Centre for Language Studies, Sussex University: 我将推荐此书给那些有意向学习法学和法学语言的学生们。



ABOUT THE AUTHORS

William R. McKay is a qualified solicitor and Senior Lecturer on the Legal Practice Course at London Metropolitan University. He teaches Business Law and Practice, Intellectual Property, Employment Law, and Mediation. He has also taught civil litigation, civil Advocacy, opinion writing, drafting.

Helen E. Charlton has taught English as a Foreign Language for several leading language schools. She teaches both Legal and Business English to clients from major corporations.

Grant Barsoum is a Senior Lecturer in Academic English and Academic Skills at London Metropolitan University. In addition to his extensive experience in teaching English in the UK, Egypt and France, he has worked for over ten years as a translator and interpreter for the legal profession. For the last ten years he has been teaching at universities with particular interest in English and Academic Skills for law students.

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《法律英语：运用技能与训练》导读

由英国 PEARSON 出版社授权华中科技大学出版社出版的培生法律课堂之《法律英语：运用技能与训练》已经与读者见面了。本书主要为需要学习法律英语的读者们，详细地介绍了法律英语的主要知识。是一本非常适合中国读者系统地了解与学习法律英语课程内容的经典教材。

从课堂到法庭，《法律英语：运用技能与训练》一书，是法学学生们和需要提高自己的法律英语水平的读者们，以及在职业中需要有效地建立自信心的法律职业者们的最佳选择。本书在内容上需要注意以下几点，第一，作者分别从口头和书面两方面，介绍了法律英语的专业表达方式。第二，书中为需要学习法律英语的读者们提供了大量的参考范本、案例及分析，以便于在不同的情况下熟练地掌握专业法律英语的运用。第三，本书中还提供了英语的语法知识及课后练习，便于读者可以借此系统地复习和巩固。第四，本书在第二版中进行了修订及更新，使读者能够较为全面地涵盖法律环境下所使用的专业法律语言。

《法律英语：运用技能与训练》一书在编排上，将每一章节的学习目的与介绍部分进行了翻译，有利于需要学习法律英语的读者们，更好及更加方便地理解每一章节的内容。

出版者希望采用该系列教材的广大读者们，喜欢我们这样的改编方式，并从中受益，也期待着大家对此提出宝贵的意见！

华中法学出版学术顾问

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Preface

English is the predominant language of international legal practice and its importance to students, lawyers and business professionals cannot be overemphasised. A good command of language is crucial to professional success, particularly in the legal field. Yet legal English includes some vocabulary virtually exclusive to the legal domain and some common English words even have different or special meanings when used in a legal context. Modern legal English is further complicated by words stemming from Latin and Norman French as well as Old English and going back some one thousand years.

This book has been written to assist those wishing to become more conversant in English within a legal context, whether for the purposes of:

- undergraduate legal study;
- vocational preparation, such as for a legal practice course (LPC), a Bar professional training course (BPTC), the Bar aptitude test or the English language test element of the Qualified Lawyers' Transfer Scheme;
- study for courses of other professional bodies with legal content;
- legal practice or other professional work involving legal issues.

This second edition therefore also explores the language of law for undergraduate students, as well as for those studying other professional courses. This includes additional features in academic writing and reading skills.

The book is of particular relevance to those using English as a second or foreign language, but it will also be of assistance to native English speakers. It is indeed for anyone who wishes to build confidence and enhance their English language skills for legal academic or practical purposes. It is therefore intended to serve as a resource for a variety of individuals, including those:

- aiming to study or presently studying law within an English language jurisdiction (whether for academic or vocational training purposes);
- presently involved in the legal or business domain whose work brings them into contact with legal practice.

With the benefit of feedback on the first edition, the overall structure and approach of the book has been improved in this second edition. The text is divided into two parts: the first part focuses on reading and writing for law; the second part covers speaking and listening skills for both students and professionals. The chapter headings now relate directly to particular areas of legal language usage, so that the reader can quickly identify relevant sections of the book for guidance on topics including:

- the study of law and academic writing;
- legal writing in practice;
- drafting of legal documents for business, commerce and court;

ii Preface

- presentation skills;
- interviewing and advising;
- negotiation;
- advocacy.

The text can be quickly referenced to check the correct use of English in a particular situation, or it can be worked through methodically to build competence in all areas through the course of a structured programme of study. The reader therefore has the flexibility to use the book over time for any number of purposes, for example for help with legal study, assistance in writing for a particular purpose, preparing for a mooted competition or a presentation, drafting legal documents, negotiating on behalf of a client or acting as an advocate in court.

Legal English can be used by readers with or without any prior legal training. Core legal topics are explored using realistic legal materials through exercises and case studies for specific linguistic purposes. Looking first at the use of language in academic legal study, including writing for academic purposes and reading and researching legal texts, the book then further develops those linguistic concepts for effective legal practice. Thus the book offers readers a valuable learning resource designed progressively to enhance relevant and meaningful communication skills in both written and oral legal English. The material is arranged in a logical sequence of increasing complexity to allow the reader to build upon their learning step by step as concepts are reinforced throughout the book. The exercises in this text can be used either for self-study or in a group or classroom setting. By working through the exercises and learning from the examples given in the text, the reader can develop his or her potential for effective communication and successful academic and professional development.

The accompanying companion website, www.mylawchamber.co.uk/mckay, offers further language guidance, including audio files to demonstrate oral language skills in realistic legal scenarios.

Finally, please note that all documents contained in this work are for illustration purposes only and should not be regarded as having any precedent value whatsoever.

In addition, we would like to acknowledge colleagues and users of the first edition who have provided valuable feedback, all of which we have tried to take on board in terms of the content and structure of this new edition. We would also like to acknowledge the sterling efforts of Carole Drummond at Pearson Education for her final editing of the book and for ensuring that everything 'came together' in the final stages of production. Lastly, but certainly not least, our sincere thanks go to our editor, Christine Statham, whose calm and mature guidance has been of fundamental help in consolidating and bringing to fruition this second edition.

William R. McKay
Helen Charlton
Grant Barsoum
June 2011

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- Glossary flashcards to test yourself on legal terms and definitions

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Part 1

Written communication skills

Chapter 1

学术写作

学习目的

本章将帮助你：

- 了解法学考试中和课程当中的学术写作规范
- 提高你的写作水平
- 让书面作业获得更高的分数
- 训练书写各种句子
- 培养段落书写和文章结构安排的技巧
- 准确使用连词
- 了解标点符号的作用并训练如何准确地使用它们
- 认识写作中确认资料的重要性

■ 介绍

在攻读法学学位期间，老师会要求你撰写论文、回答问题和提交其他书面作业。本章的主要目的是要帮助你了解英语文法的用法中的要素，提高写作水平，以此来获得较高的分数。法律观点的处理，论文中逻辑论证的展开以及各种疑难问题，都将在本章中予以讨论。在清晰地和富有逻辑性地表达观点方面，本章中的示例和解释将有助于你获得自信。当完成本章学习时，你需要继续练习写作，练习得越多，你的文笔就会越优美。提高你学术写作的文笔，反过来将有助于你成绩的提高。

初始是学习理解学术写作规范；此后，将集中学习不同句型的语法和培养你使用标点符号的技巧。此外，本章还将对厘清思想以培养段落写作技巧，提供指导和练习。

如何注明参考文献和有关抄袭、剽窃的警示说明，将在本章结尾讨论。

■ ACADEMIC WRITING STYLE

The vocabulary you use, the way you arrange words and the length of the sentences you write form your writing style. Style varies according to the purpose of writing, even for the same subject matter. For instance, you will find that the style used for a law essay is different from that for legal documents and correspondence. It is therefore important to use the appropriate style.

Features of academic writing

In order to understand what we mean by features of writing style for studying law at university, we need to examine the difference between writing for academic and professional purposes and other forms of writing. Thus, before you start writing, your first step is to develop your ability and skills in using different degrees of formality in English.

Informal and semi-formal English

In everyday communication – both oral and written – we generally use informal and semi-formal English, as shown in the following examples. Read these sentences carefully and note how English is used:

- 1. Police in the dock over evidence to foreign courts.
- 2. You reckon to finish the essay by next Friday?
- 3. You mustn't drive through a red light, it's an offence.
- 4. He's been pinching money from the till for donkey's years, but when his boss caught him he knew he was in hot water.
- 5. The Chairman stepped down as boss of BP with a bitter sideswipe at critics.
- 6. We can't make head or tail of this report.
- 7. If you can identify any of the yobs call Crimestoppers anonymously on 0110 222 333.
- 8. A tax dodger buried £140,000 in his aunt's grave in a bid to fool the Inland Revenue.
- 9. I wouldn't believe a word he says, he's a conman.
- 10. She thought she could get away with it but she was nicked for shoplifting.

Use of vocabulary

The following table refers to the above examples and provides the informal and semi-formal words and phrases and their standard English equivalent.

| Sentence number | Informal/semi-formal usage | | Meaning/standard English usage |
|-----------------|--|----------------|---|
| 1 | in the dock | (colloquial) | on trial |
| 2 | reckon | (colloquial) | expect |
| 3 | musn't | (colloquial) | must not |
| 4 | pinch | (colloquial) | steal |
| | for donkey's years | (colloquial) | for a long time |
| | in hot water | (colloquial) | in trouble |
| 5 | step down | (phrasal verb) | resign |
| 6 | can't make head or tail of this report | (idiom) | cannot understand it at all |
| 7 | yobs | (slang) | rude, noisy, aggressive youths |
| 8 | dodger | (slang) | elusive; a person who evades paying taxes by trickery |
| | in a bid to | (colloquial) | in an attempt to |

(continued)

| Sentence number | Informal/semi-formal usage | | Meaning/standard English usage |
|-----------------|----------------------------|----------------|---|
| 9 | conman | (slang) | swindler |
| 10 | get away with it | (phrasal verb) | do it without being caught/ punished |
| | nicked | (slang) | arrested |

In spoken, informal English, we often use chunks of the language, in other words phrases and parts of sentences. This point is illustrated in sentence 2 in the above examples; it is not acceptable in standard English but totally acceptable in informal speaking. When you are chatting with friends, most people would not worry much about the grammatical correctness of your sentences so long as you can get the message across. This is not the case, however, in academic and legal English.

Formal or standard English

Note that colloquial and slang words are not used in formal English and neither are informal idioms. Standard English is used and each sentence should be grammatically correct.

Understanding the difference between informal and semi-formal English and formal or standard English will help us change informal writing into the more formal academic style, as shown in the following examples taken from the sentences above:

Informal (sentence 4): He's been pinching money from the till for donkey's years, but when his boss caught him he knew he was in hot water.

Formal: He has been stealing money from the till for a long time, but when the manager caught him, he realised that he was in trouble.

Informal (sentence 8): A tax dodger buried £140,000 in his aunt's grave in a bid to fool the Inland Revenue.

Formal: In order to evade paying taxes, a man buried £140,000 in his aunt's grave in an attempt to deceive the Inland Revenue.

Good practice tip

When writing for academic or legal purposes **do not** use slang words or colloquial English. Always use standard English.

Exercise 1.1

Rewrite the following sentences, changing them into formal/standard English:

1. Sorry we can't offer you a place on this course.
2. University fees have gone up a lot lately.
3. This department was set up to help students out.
4. Think I've got some typos in my essay.

