

研究生英语系列

Advanced English Course — in Legal Reading —

高级法律英语阅读



温向东 ©编



北京大学出版社
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前言

英语和教学,是我热爱的专业。在中山大学攻读学士和硕士时,学的是英语语言文学。绕过大半个地球到美国求学、工作,攻读的专业是哲学和教育学,之后在美国的大学任教的是英语阅读和写作。回国后,教学仍是工作的主旋律,但“正式”回归教育系统,却是2003年的事。新的起点是北京大学深圳研究生院,而我的任务是讲授研究生公共英语课。

几个学期,感叹于北大法学院硕士研究生们勤奋和聪颖的同时,很快意识到公共英语教学面临的挑战:学生们的实际语言应用能力普遍欠缺;英语学习动力不足。这促使我对“研究生公共英语”教学进行反思,并得出这样的结论:如果能设计一门英语课,专门针对学生们的实际需求和语言应用能力,问题不就迎刃而解了吗?确立这一指导思想后,法律专业英语方向,就成了我的自然选择。

在各大高等院校,专业英语课程并不新鲜。但我认为基于上述的出发点,教学内容和方法上应当有突破。在请缨讲授“研究生法律英语阅读”课之前,我对法学院的学生进行了尝试:在常规公共英语课内,添加法律专业英语方面的内容。一年下来,我的思路进一步清晰:应当选取国外各种体裁的法律文章或文书,编写一本高级法律英语阅读教程。

也曾有顾虑,担心自己缺乏系统而专业的法律学习和训练,工作过程中会遇到许多难以克服的困难。但每每面对课堂,面对学生们,我就禁不住跃跃欲试,我愿意探索,愿意付出,愿意冒险摸索一条新的出路,一条能唤起他们的求知欲、激发他们学习英语热情的新路。于是,促成了这本《高级法律英语阅读》的诞生。

此书内容的选择标准之一是实用性:学生毕业后无论是进一步深造,还是进政府机关工作,无论是成为司法系统工作人员,还是就职于律师事务所,他们都有可能需要独立地消化、理解这类文章。其次,入选的文章必须有一定的难度,属于单凭专业背景知识、普通英语技能和专业英汉词典并不一定能吃透的内容。理解这种难度的专业文章,需要在熟悉专业词汇之后,学习和掌握分析复杂句式和繁复逻辑关系的方法。因此,同一领域常见专业词汇的重复率以及一定量的繁复句式变成了篇章选择的第三个标准。如果说还有其他考虑的话,便是入选篇章兼顾

了实际教学中精读和泛读的不同需求,每篇课文的前四分之一左右的内容适用于课堂精读讲解,后四分之三供同学们自主泛读。

应当强调的是,这本教材的定位是一本专业英语课本,而不是一本用英语编写的法律教科书。因此,它既不是一本系统的法律概论,也不是某一法律分支的完整介绍。尽管选材时尽量兼顾法学的不同次级学科,但这始终不是编者思考的重点。作为英语教科书,它遵循的是语言学习的特点,核心是学习专业词汇、掌握常用专业短语和理解难句。在大量语料的浸泡中,学习者在接近自然的语境中习得,而无需依赖死记硬背,这种语言教学的方法,是本书编写时始终参照的原则。

本书一共八章,每章分别含 A、B 两篇课文,扣同一主题,并无主次之分。较短的篇章适合全文精读,较长课文的前半部分适于精读,其余部分可用作泛读。如此精、泛结合,既助于深究词义和表达方法,又助于广泛接触同类语料、吸收正确和地道的语言,增加日后表达的准确性和实际应用能力。三年的教学实践表明,这本教材的突出特点就是能帮助学习者在短时间内轻松地掌握大量专业词汇和术语表达。通过从浩瀚的法律文书中精选出具相当语言难度的文章,引导学习者关注语义的完整性和准确性,学习地道的专业表达方式,培养分辨细微语义差别的能力。

课后词汇表采用全英注释,目的是强化浸入式概念学习。其中涉及的法律专业词汇的对应中文术语,可由教师在课堂一一讲解,也可以由自学者查找专业词典学习。至于汉英词典中也查不到的那部分专业词条和片语,则必须通过认真研究其英文注释,并结合自己已有的法律知识,逐一解决。而这个解决的过程,也是浸泡在英语的语境当中的。当然,这也是编者的本意。

每章课后的练习皆针对 A、B 两篇课文而作。包括术语释义多项选择、术语定义搭配、难句翻译和常用词汇或片语造句。特别需要说明的是,多项选择题中并非正确答案的其他选项同样值得研读,它对理解能力的培养同样至关重要。

这本《高级法律英语阅读》,从酝酿构思、篇章挑选、教学实践,到注释和配套练习的写作,历时三年多。期间数易其稿,调整更是不计其数。编者水平有限,单枪匹马,所遇困难重重,若非来自于各方面的支持,恐怕难有今天的书稿问世。在此,首先要感谢北大英语系副主任李淑静老师,她是最早建议我编写此书的人,并在整个过程中给予大力的支持和不断的鼓励。而我就职的北京大学深圳研究生院,早在 2005 年就将本书列为该院青年教师科学研究基金资助项目。同样感谢北大法学院梁根林教授,百忙中抽空审阅本书并撰写审稿意见。此外,北大法学院的研究生杨破立、朱传炉、黄静茹等帮助进行了部分专业资料的查找,在此一并鸣谢。最后,特别想感谢的,是北大深圳研究生院法硕专业 05、06、07 级的同学们,你们和我一起走过“法律专业英语”选修课,一起走过编写本书的全过程,从你们身上我学到不少法律知识,更重要的是,你们的求知欲和不懈追求始终感染着我,使这本书不但凝结着智慧,也凝结着激情。

目 录

UNIT 1	GET A TASTE OF LEGAL READING; MEDIA REPORTS	1
	Article 1 Milberg Weiss Indictments?	1
	Vocabulary	2
	Article 2 The Milberg Weiss Indictment	3
	Vocabulary	4
	Article 3 Trial of Class-Action Law Firm Is Set for 2008	5
	Vocabulary	6
	Article 4 The Milberg Weiss Indictment	7
	Vocabulary	9
	Article 5 Underlines the Tangled History of Defamation	10
	Vocabulary	13
	Exercises	14
UNIT 2	LEGAL CONCEPTS; THEORETICAL DISCUSSION	18
	Text A Punishment	18
	Vocabulary	23
	Text B Ingredients of a Crime Mens Rea	26
	Vocabulary	31
	Exercises	32
UNIT 3	COURT RECORDS; WATCHING LAWYERS AT WORK	37
	Text A Closing Argument	37
	Vocabulary	69
	Text B Closing Argument (Resumed)	71
	Vocabulary	91
	Exercises	91
UNIT 4	OPINION OF THE COURT; MIRANDA WARNING	97
	Text A Miranda Warnings	97
	Vocabulary	125

Text B	A dissenting Opinion	129
Vocabulary		132
Exercises		132
UNIT 5	COURT OPINIONS: CONSTITUTIONAL LAW	138
Text A	Marbury v. Madison	138
Vocabulary		145
Text B	The 200th Anniversary of Marbury v. Madison: The Reasons We Should Still Care About the Decision, and The Lingering Questions It Left Behind	147
Vocabulary		154
Exercises		155
UNIT 6	PROCEDURES MANUAL: GUIDELINE FOR LAWYERS AND JUDGES	160
Text A	Magistrate and Metropolitan Court Benchbook Of the State of New Mexico(Excerpts)	160
Vocabulary		167
Text B	Samples of Motions	169
Vocabulary		172
Exercises		172
UNIT 7	PRECEDENCE: PRESIDENT'S IMMUNITY	178
Text A	US Supreme Court	178
Vocabulary		190
Text B	Sample of Court <u>Syllabus</u> Us Supreme Court	193
Vocabulary		195
Exercises		196
UNIT 8	SAMPLE CLAIM AND DEFENCE: CONTRACT DISPUTES	201
Text A	Statement of Claim	201
Vocabulary		210
Text B	Defence and Couterclaim	212
Vocabulary		225
Exercises		226
习题答案		231

UNIT 1

GET A TASTE OF LEGAL READING: MEDIA REPORTS

Article 1

Milberg Weiss^① Indictments?

Charles Gasparino CNBC, May 5, 2006

Federal criminal case against the big **class action** firm Milberg Weiss Bershad and Schulman is at a crucial stage with officials there **bracing for** an **indictment** of top lawyers at the firm and a possible indictment of the **outfit** itself, according to people with knowledge of the matter. ^②

CNBC has learned that following discussions with federal **prosecutors**, attorneys for the firm believe that **baring** some last minute development two partners, Steven Schulman and David Bershad will be indicted in the coming days or weeks, according to people with knowledge of the situation. In addition, CNBC has learned that lawyers at

① Founded in 1965 by attorneys Larry Milberg and Melvyn I. Weiss, Milberg LLP (formerly known Milberg Weiss LLP and Milberg Weiss Bershad & Schulman LLP), Milberg Weiss is a US plaintiffs' law firm. Based in New York City, it is widely known for representing investors in securities class actions. Before its split in May 2004, it was the largest plaintiff law firm in the United States, with over 200 attorneys and a leader in its field, responsible, at least in part, for over 50 percent of all securities class action cases settled in 2002.

② According to people with knowledge of the matter; 据知情人士透露。这是相当实用的片语,值得反复诵读。类似的片语也在本文多次出现: according to people with knowledge of the situation; according to people close to the matter.

Milberg Weiss believe they will find out sometime within the next week or so if the firm itself will be indicted. According to people close to the matter, the lawyers believe there's a 50 - 50 chance that the firm itself will be indicted in the case.

The investigation, by the US Attorney's office in Los Angeles, involves **allegations** that the firm paid **kickbacks** to potential clients in exchange for bringing the firm cases. The firm has said it has done nothing wrong—that the alleged kickbacks were nothing more than finders' fees, which are perfectly legal. That said, the US Attorney's office scored a major victory in its case when it received a **guilty plea** from a retired real estate broker and former client of Milberg Weiss who said he was paid fees for bringing a case to the firm.

Recently, the US attorney's office has said that the two most famous partners at the firm, Mel Weiss and William Lerach will not be indicted at this time. The reason why the government is focusing on Schulman and Bershad appears to be because the real estate broker who cut the **plea deal**^① says he dealt primarily with Schulman and Bershad.

Let me make a couple of **caveats** here: Predicting criminal indictments is a tricky business.^② Many of these cases are fluid, and federal prosecutors often use the threat of indictment to force targets to give up evidence about others. Indeed, just a couple of months ago it appeared that Weiss and Lerach were in the prosecutor's **cross hairs**.

However, if either Schulman, Bershad or the firm is indicted, it would be a major blow to the class action business. These are the top players in that business, and they've done a great job for their clients over the years, **wringing** huge **settlements** from **Corporate America** and Wall Street on behalf of investors.

Attorneys for Schulman and Bershad didn't return telephone calls.

Vocabulary

1. **class action**: *n.* a lawsuit brought by one or more plaintiffs on behalf of a large group of others who have a common interest
2. **brace for**: *v.* be prepared for
3. **indictment**: *n.* a formal accusation initiating a criminal case, presented by a grand jury and usually required for felonies and other serious crimes
4. **outfit**: *n.* a business firm engaged in a particular form of commercial enterprise
5. **prosecutor/prosecuting attorney**: *n.* a lawyer empowered to prosecute cases on behalf of a government and its people

① To cut a deal: 达成协议, 偏口语性质。正式的表述为: to make a deal 或 to make a bargain。因此, to cut a plea deal 和 to make/reach a plea bargain 皆为“达成辩诉交易”的意思, 只是前者偏口语化, 后者语气更正式。

② Predicting criminal indictments is a tricky business. 预测刑事讼案(的结局)是微妙的事。

- prosecution:** *n.* the act or process of prosecuting, especially the institution and carrying on of a criminal action involving the process of seeking formal charges against a person and pursuing those charges to final judgment
6. **bare:** *v.* to reveal; to divulge
 7. **allegation:** *n.* an assertion made by a party in a legal proceeding, which the party then undertakes to prove
 8. **kickback:** *n.* a percentage of income given to a person in a position of power or influence as payment for having made the income possible, usually considered improper or unethical
 9. **plea:** *n.* an accused person's response (of "guilty", "not guilty", or "no contest") to a criminal charge
 10. **plea deal:** *n.* plea bargain; a negotiated agreement between a prosecutor and a criminal defendant whereby the defendant pleads guilty to a lesser offense or to one of multiple charges in exchange for some concession by the prosecutor, usually a more lenient sentence or a dismissal of the other charges
 11. **caveat:** *n.* a warning or caution
 12. **cross hair:** *n.* focus
 13. **wring:** *v.* to extract or expel by twisting or compression (usually followed by *out* or *from*)
 14. **settlement:** *n.* 1) an agreement reducing or resolving differences, especially an agreement between litigants that concludes the litigation; 2) the sum, estate, or income granted or paid under a settlement
 15. **Corporate America:** (*informal*) the for-profit world of corporations within the United States not under government ownership
 16. **litigate:** *v.* to contest or engage in legal proceedings

Article 2

The Milberg Weiss Indictment

Charles Gasparino—CNBC

When federal prosecutors indicted Milberg Weiss Bershad & Schulman on Thursday, Wall Street was supposed to be celebrating. After all, no other law firm had been as successful at squeezing billion-dollar settlements out of Corporate America over the past four decades. And no other firm represented the evils of overzealous class-action litigation than Milberg Weiss, with its tough as nails lead partner, Mel Weiss and his

battle-hardened second in command, Bill Lerach.^①

But the cheering of Milberg Weiss' **pending demise** was clearly **muted**, at least according to the CEOs and defense attorneys I spoke with in recent days. The reason? The firm, and its **top guns** like Weiss and Lerach (who now has started his own company), may be bad guys at least as far as Wall Street is concerned, but the alternative might be worse. In other words, Wall Street is waking up in the aftermath of the indictment with the feeling that it's better to deal with the devil you know rather than the devil you don't.

That sentiment was **front and center** as the big firms contemplated their next move in one of the biggest cases still pending with the firm. Milberg Weiss is the lead firm in a massive class action against nearly all the big Wall Street firms over the allocation of **initial public offerings** during the 1990s stock market bubble. Mel and the boys **contend** that Wall Street's methods of distributing IPOs in the market **screwed** small investors. He's seeking a **whopping** \$6 billion from all the top Wall Street firms on behalf of plaintiffs. The betting on Wall Street, at least before the indictment, was that he'd get the money, or something close to it. Already JP Morgan has agreed to **fork over** around \$400 million, and the firm wasn't even close to the biggest player in the IPO market. As a result, firms like Goldman and Morgan could be on the hook for even more, possibly several times that amount, at least if Mel has his way.

The problem is that with Milberg Weiss wounded, and Mel himself a target for prosecution, Wall Street is worrying that its \$6 billion **liability** may grow substantially. Weiss is the father of the class action **bar**, not just because he's a good lawyer, but also because he's a reasonable guy. Nearly every big CEO on Wall Street has a relationship with Weiss, who **by most accounts** knows how to **cut a deal** that benefits all sides in these negotiations.

Weiss's replacement, whoever that might be, may not be so reasonable, and that has Wall Street **sweating bullets**.

Vocabulary

1. **pending**: *a.* not yet decided or settled; awaiting conclusion or confirmation
2. **demise**: *n.* termination of existence or operation; death
3. **mute**: *v.* to soften or muffle the sound of
4. **top gun**: (*slang*) a person who is the best or one of the best in a particular field; the

① And no other firm represented the evils of overzealous class action litigation than Milberg Weiss, with its tough as nails lead partner, Mel Weiss and his battle-hardened second in command, Bill Lerach. 密尔伯格维斯律师事务所过度热衷于代理集团诉讼案中缺德的一方,在这方面,没有哪一家律师事务所能与之相提并论,皆因它有着强硬的领军合伙人梅尔·维斯,也有着身经百战的二号人物比尔·勒拉赫。

top-ranked person in a group

5. **front and center**: *n.* in the most prominent position
6. **initial public offering (IPO)**: a corporation's first offer to sell stock to the public
7. **contend**: *v.* to argue.
8. **screw**: *v.* to cheat or take advantage of (someone)
9. **whopping**: *a.* exceptionally large
10. **fork over**: *Informal.* to hand over; deliver; pay
11. **liability**: *n.* an obligation to pay an amount in money, goods, or services to another party
12. **bar**: *n.* the profession of law
13. **by most accounts**: *ad.* according to most of the records (of the events)
14. **cut a deal**: (*informal*) to make an agreement, esp. a business agreement
15. **sweat bullets**: (*informal*) to be apprehensive; to worry

Article 3

Trial of Class-Action Law Firm Is Set for 2008

By Cindy Chang, Los Angeles, Nov. 27, 2006

The trial of the prominent class-action securities law firm Milberg Weiss Bershad & Schulman and two of its named partners has been scheduled for January 2008 so that defense lawyers will have time to prepare if additional charges are filed.

The law firm and the partners are accused of making \$11.3 million in secret payments to entice people to serve as plaintiffs in more than 150 lawsuits. At a **hearing** on Monday, prosecutors said a **grand jury** was investigating possible new charges that could come in a **superseding** indictment. Such an indictment would not include any new defendants, lawyers said.

Papers describing the possible new charges are under seal, and lawyers on both sides declined to discuss their contents outside the courtroom. Prosecutors have told the court that if they decide to seek the additional charges, they will do so by April of next year, said an attorney for the law firm, William W. Taylor.

A new indictment would also accuse Milberg Weiss lawyers of making false statements in court about the motivations of plaintiffs that the law firm represented in class-action lawsuits, a prosecutor said at Monday's hearing.

"The heart of the case is the same; **obstruction of justice**, false statements to the court and the fact that the false statements were **material**," said Douglas A. Axel,

deputy chief of the major **frauds** section^① at the United States attorney's office in Los Angeles.

A superseding indictment with no additional defendants would not preclude others being **charged** separately in the future, lawyers said.

Two central figures in the federal investigation, Melvyn I. Weiss, one of the firm's co-founders, and his former partner, William S. Lerach, have not been charged.

The defendants in the criminal case are the law firm itself; David J. Bershad and Steven G. Schulman, two partners who are both on leave from the firm; Seymour M. Lazar, who **is accused of** serving as a paid plaintiff; and Paul T. Selzer, a lawyer accused of helping to **launder** the payments. All have pleaded not guilty.

At a scheduling hearing on Monday, prosecutors argued for an October 2007 trial date, but the judge, John F. Walter of the United States District Court in Los Angeles, granted a request from defense lawyers for three more months in case a superseding indictment is **handed up**.

The 2008 trial date helps ensure that Milberg Weiss's future will remain unsettled for at least another year. The firm, once the nation's leading class-action securities litigator, has lost lawyers and clients since the 20-**count** indictment, which included charges of **racketeering** conspiracy, mail fraud, money laundering conspiracy and obstruction of justice, was announced in May.

Vocabulary

1. **hearing**: *n.* a judicial session, usually open to the public, held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying
2. **grand jury**: *n.* a jury of 12 to 23 persons convened in private session to evaluate accusations against persons charged with crime and to determine whether the evidence warrants a bill of indictment
3. **superseding**: *a.* replacing; setting aside or cause to be set aside as void, useless, or obsolete, usually in favor of something mentioned; make obsolete
4. **obstruction of justice**: *n.* the criminal offense, under common law and according to the statutes of many jurisdictions, of obstructing the administration and due process of law
5. **material**: *a.* (Law) likely to influence the determination of a case
6. **fraud**: *n.* a deception deliberately practiced in order to secure unfair or unlawful gain
7. **charge**: *v.* to make a claim of wrongdoing against; accuse or blame
8. **accuse (of)**: *v.* to charge with the fault, offense, or crime (usually followed by *of*)

① Section: 此处相当于 department, 作“部门”解。

9. **launder**: *v.* to convert illegally obtained funds into legal ones; to disguise the source or nature of (illegal funds, for example) by channeling through an intermediate agent
10. **hand up**: *v.* (*Law*) to deliver (an indictment) to a higher judicial authority
11. **count**: *n.* (*Law*) any of the separate and distinct charges in an indictment
12. **racketeering**: *n.* crimes such as extortion, loan-sharking, bribery, and obstruction of justice in furtherance of illegal business activities

Article 4

The Milberg Weiss Indictment

New York Sun Editorial, May 19, 2006.

Yesterday's indictment of class action plaintiffs' law firm Milberg Weiss in connection with a fraud case promises to shine a bright spotlight on the need for **tort** reform. The firm, along with two of its partners, Steven Schulman and David Bershada, stand accused of^① **orchestrating** a long-running scheme to pay off the named lead plaintiffs in the shareholder lawsuits the firm has built its reputation in pursuing. The indictment doesn't speculate on whether the motive was fun or profit, but the smart moneys^② on profit. Mr. Bershada earned some \$161 million as his share of the firm's profits between 1983 and 2005; Mr. Schulman made \$67.1 million between 1991 and 2005. The firm **allegedly** raked in about \$200 million in fees over 20 years just from the 150 suspect cases described in the indictment.

The case **hinges on** an alleged conspiracy by which the firm would kick back a portion of its fees to the lead plaintiffs in its trademark shareholder suits. Such an arrangement is illegal because it leaves the named plaintiff with different interests than the other class-action plaintiffs he's supposed to represent. One such named plaintiff who was indicted last year, Seymour Lazar, stands accused of taking a total of \$2.4 million in exchange for his participation in **a plethora of** such cases over the years. Mr. Lazar allegedly received \$325,000 over two years for suits against W. R. Grace, \$100,000 for a suit against British Petroleum, more than \$400,000 for two different suits against Genentech, and the list goes on.

① Stand accused of; 面临……指控, 例如: The man stand accused of treason and manslaughter. The firm stands accused of 20 counts of criminal behavior in the indictment.

② Smart money; 知情者的投资回报; 因掌握内情而下的赌注。

Finding creative ways to make lots of money might sound like the American way, but the allegations made in this case paint a picture of a perversion of the entrepreneurial spirit. These alleged crimes weren't victimless. Those millions upon millions of dollars came from the pockets of the unsuspecting shareholders in the defendant companies. The plaintiffs' attorneys' fees that apparently **lined** the pockets of Messrs. Schulman, Bershad, and Lazar and others **implicated** in the case came from those shareholders in the form of profit-reducing payouts that cut dividends, while the lawsuits threatened to depress stock prices.

If this indictment makes an eloquent case for tort reform, other related circumstances, especially right here in New York, highlight how difficult that reform can be to achieve. Consider all the New York politicians who have taken **contributions** just from the members of the plaintiff's bar implicated in this particular case. The state's comptroller, Alan Hevesi accepted \$100,000 from the firm for his 2002 campaign, as well as \$13,500 each from senior partners Milberg Weiss and William Lerach. Mr. Lerach later left the firm, but was still a partner during part of the time covered by the indictment. He was certainly at the firm when he donated \$12,000 to the Friends of Pataki committee in 2001 and 2002.

The **gubernatorial** campaign of the attorney general, Eliot Spitzer, accepted \$35,000 from the firm, of which \$20,000 came in during the past year as the legal cloud darkened, and another \$35,000 from Mr. Weiss. Mr. Schulman donated \$9,000 to Mr. Spitzer's 2002 attorney-general and 2006 gubernatorial campaigns. Mr. Bershad gave Mr. Spitzer \$13,000 in 2002 and \$10,000 for 2006.

It's worth asking whether that money might have played some role in one interesting little **trill** in the indictment: The federal indictment notes that some of the behavior it alleges also violates New York law. Yet Mr. Spitzer, who normally interprets New York law to expand his **jurisdiction**, doesn't seem to have taken much interest in pursuing Milberg Weiss before or during the federal investigation. Likewise, after winning re-election in 2002 in part with a cash infusion from Milberg Weiss, Mr. Hevesi just happened to hire the firm to represent the state's public-employee pension fund in—you guessed it—a shareholder suit against Bayer AG.^①

The good news is that Mr. Spitzer, at least, is now making an effort to distance himself from Milberg Weiss; the attorney general is preparing to return at a minimum the most recent contributions. As for Messrs. Hevesi and Pataki, at best it's too soon to say. Mr. Hevesi's spokesman told the Sun's Jacob Gershman yesterday that the comptroller is still studying the indictment. There's no word yet from Mr. Pataki. To

① Bayer AG 是德国的一家大型化工及制药企业,创办于 1863 年,目前是世界第三大制药企业。

give them the benefit of the doubt,^① the money came in a long time ago and it may be difficult to retrieve.

We're all for campaign contributions as a form of free speech, but trial lawyers' exercise of their First Amendment rights doesn't **absolve** politicians of their responsibility to put an end to abusive litigation like that alleged in this indictment. No matter how much money these New York politicians, or other beneficiaries of trial lawyer **largesse**, return, the fundamental problem of the abuse of civil litigation will remain. This indictment shows just how big that problem may turn out to be.

Vocabulary

1. **tort**; *n.* (*Law*) damage, injury, or a wrongful act done willfully, negligently, or in circumstances involving strict liability, but not involving breach of contract, for which a civil suit can be brought
2. **orchestrate**; *v.* to arrange or manipulate, esp. by means of clever or thorough planning or maneuvering, eg to orchestrate a profitable trade agreement
3. **allegedly**; *ad.* according to what has been stated or supposed
4. **hinges on**; *v.* be contingent on
5. **plethora**; *n.* an excess
6. **line**; *v.* to furnish or fill
7. **implicate**; *v.* to involve or connect intimately or incriminatingly
8. **contribution**; *n.* a voluntary gift (as of money or service or idea) made to a worthwhile cause
9. **gubernatorial**; *a.* of or pertaining to a state governor or the office of state governor
10. **trill**; *n.* a similar sound, or succession of sounds, uttered or made by a bird, an insect, a person laughing, etc
11. **jurisdiction**; *n.* (*Law*) legal power; the right and power to interpret and apply the law
12. **absolve**; *v.* to free from guilt or blame or their consequences
13. **largesse**; *n.* a gift or money given (as for service or out of benevolence)

① Benefit of the doubt: 尽管有疑点但仍然采纳对其有利的观点或判定; (因无充分证据证明某人有罪而) 假定其无过失或无罪。

Article 5

Underlines the Tangled History of Defamation

The New York Times, November 20, 2006.

It was like a scene out of “Bleak House,” in which Dickens chronicled an interminable court case. In 1983, a Supreme Court **justice** in Pennsylvania **sued** *The Philadelphia Inquirer*^① for **defamation**. The case was finally **dismissed** this summer—a full 23 years after it began.

Now another case of a judge **suing** a newspaper for defamation has started moving up the legal chain. Three years ago, the chief justice of the Supreme Court sued *The Kane County Chronicle*^②, a 14,000-circulation daily serving an area about one hour west of Chicago.

Last week, the justice won the first round, with a **jury** finding that a former *Chronicle* columnist, Bill Page, had written falsely and acted with **malice** in accusing the justice of trading a vote for a political favor. The jury **awarded** the justice \$7 million. *The Chronicle* said it would appeal.

Joseph A. Power Jr., who represented the chief justice, Robert R. Thomas, said the finding of actual malice would weed out “**renegade**” journalists and might make newspapers more responsible. If the paper had printed a **retraction**, he said, we would not have **brought the suit**. “The First Amendment does not protect lies and liars,” he said.

Others said that lawsuits brought by judges could have a corrosive effect on journalism and the legal system.

“It’s obviously troubling when a sitting state Supreme Court justice can use his own court to secure a multimillion-dollar judgment against a local paper,” said Leib Dodell, president and chief executive of Media/Professional Insurance, which insures several newspapers, including *The Chronicle*. “To be sure, there’s a chilling effect on small papers and reporting on local political matters.”

Steven P. Mandell, part of the defense team, said those who **testified** against *The Chronicle* **were beholden to** Justice Thomas, who oversees the state’s entire legal

① *The Philadelphia Inquirer*:《费城问询报》，是美国影响力较大的一份日报，主要服务对象是费城及宾夕法尼亚州的大都市区域。它创办于1829年，是美国历史最悠久的三大报刊之一。目前发行量居全美第十六位。曾获得十六个普利策奖的奖项。

② *The Kane County Chronicle*:美国芝加哥以西郊县的一份区域性日报，创办于1881年，日发行量接近十五万份。