

<<法律英语报刊选读>>

图书基本信息

书名：<<法律英语报刊选读>>

13位ISBN编号：9787305062711

10位ISBN编号：7305062715

出版时间：2009-9

出版时间：南京大学出版社

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页数：236

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内容概要

随着我国法制建设的不断完善与改革开放的不断深入，法律英语课越来越受到我国高校的重视。尤其是设有外语系或是法律系的综合类院校。

法律英语课程有越来越细化的发展趋势。

《法律英语报刊选读》是了解国际国内法律文化的重要窗口，同时也是学习和掌握现代法律英语的理想资料。

法律英语报刊题材广泛，内容新颖，贴近现代法律脉搏。

开设法律英语外刊课对于培养应用型、复合型法律人才与外语人才十分有益。

该书采用了宏观的文化意义范畴上的分类法，着重点对法律文化这一宏观层面上的法律范畴与法律案件作了介绍。

它不仅是一本探讨法律文化的书籍同时也是学习法律英语的书籍，除了适合作为高等院校法律系、英语系学生的法律英语教材，也可供副修法律、外交、国际贸易、国际金融等专业的本科学习者学习法律和英语之用。

本教程还可作为律师以及立法、司法等部门的公务员作为提高专业和英语水平的教材。

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章节摘录

加拿大的保释方式有以下几种特点：(1) 保释方式呈现出多种类、多层次、由轻到重的结构。从最轻的无条件的承诺方式到最重的有保证人附条件并实际交付保证金的方式。加拿大保释的方式跨度大、种类多、层次性强，因而具有较强的根据案情加以调整的能力，能适应司法实践对于保释方式的不同要求。

(2) 保证人与保证金可以同时适用。

在保证书和实际交付保证金的方式下，都可以同时确定保证人对被保释人的行为进行监管。

(3) 可以同时确定多名保证人对被保释人进行监管并共同承担连带责任。

(4) 保证金既可以实际交付，也可以不实际交付；实际交付中既可以现金交付，也可以用实物替代现金。

保证金以契约拟制方式来交纳，一方面给予当时无法交纳现金的被告人保释的机会；另一方面也免去了实际交纳保证金的手续，节约了司法资源。

而保证金以实物的方式来交纳，也能够给予当时只能提供实物而无法交纳现金的被告人保释的机会。

(5) 决定保释时，可以根据案件的具体情况附加一定的条件，这种极具针对性的附加条件也有助于加强保证效果。

事实上，保释或取保候审是被追诉者的一项基本权利，故而应当尽可能地对被追诉者适用保释或取保候审，同时考虑到保释或者取保候审的风险，在保释或取保候审的方式和适用上就应当遵循以下两个原则：(1) 只要适当，法律就应当尽量拓展可以适用的方式；(2) 只要方式的适用不会对被追诉者造成过重的负担，为了确保保证的效果，避免风险，方式的适用就不应有数量和种类上的限制。只有同时符合这两项原则，才能实现既尽量适用保释或取保候审，同时又尽量降低风险的目的。

加拿大的取保候审方式有几点值得借鉴：(1) 在保证人保证的方式上，应允许同时确定多名保证人，以加强监管和责任承担；(2) 保证金保证的方式应从唯一的现金交纳扩展至既允许以契约拟制的方式交纳，也允许以其他有价实物交纳，同时还应允许以房屋等不动产抵押的方式；(3) 明确规定保证人保证和保证金保证可以同时适用；(4) 应当增设承诺的取保方式，允许犯罪嫌疑人以书面承诺的方式取保，以满足办理犯罪情节轻微、取保风险极小的案件在取保候审上的需要，避免司法资源的浪费。

IV. Questions on the Article 1 Why was the prominent New York lawyer, Marc S. Dreier arrested?

2. How did Debra Hanna learn of fraudulent behavior?

3. Why numerous lawyers at the firm did not respond to inquiries about the case?

By MiChael Tarm CHICAGO—Prosecutors rested their case in R. Kelly's child pornography trial after a day of sensational testimony about alleged trysts, extortion plots and a duffel bag full of sex tapes. Star prosecution witness Lisa Van Allen cried on the witness stand, pausing to regain her composure, as she described several alleged three-way sexual encounters with the RB star and the alleged victim, some of which she claimed Kelly videotaped. Van Allen, 27, also told jurors in more than three hours of testimony Monday that Kelly offered her \$250,000 last year to recover a tape of one of the trysts. During cross-examination, a defense attorney accused Van Allen of plotting to extort money from the singer, which she denied. Under further questioning, she admitted she once stole Kelly's \$20,000 diamond-studded watch from a hotel.

"Van Allen is an admitted thief and liar who wouldn't know the truth if she tripped over it," Kelly's business manager, Derrel McDavid, said in a statement. Kelly, 41, faces up to 15 years in prison if convicted of child pornography for allegedly videotaping himself having sex with a female prosecutors say was as young as 13. He has pleaded not guilty and both he and the alleged victim, now 23, deny being on the video which is separate from those Van Allen testified to being on. The state, which called more than a dozen witnesses over two weeks, rested its case after Van Allen's testimony. Jurors will get Tuesday off before the defense begins its presentation on Wednesday.

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