

<<英美普通法读写教程>>

图书基本信息

书名：<<英美普通法读写教程>>

13位ISBN编号：9787313088383

10位ISBN编号：7313088388

出版时间：2012-9

出版时间：上海交通大学出版社

作者：高凌云 编

页数：371

字数：427000

版权说明：本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

更多资源请访问：<http://www.tushu007.com>

<<英美普通法读写教程>>

内容概要

《普通高等教育“十二五”重点规划教材：英美普通法读写教程》以英美法体系为对象，介绍了英美普通法的组织构成、法律来源及法律程序，以丰富的文献为基础，着重于案例的分析与法律文书的写作，旨在帮助读者提高阅读分析法律案例以及撰写法律文书的能力。

《普通高等教育“十二五”重点规划教材：英美普通法读写教程》作为“新核心大学英语”系列教程之一，既可供法律专业学生学习英美法使用，也适合非法科学生学习法律英语使用。

<<英美普通法读写教程>>

作者简介

高凌云，复旦大学法学院副教授，山东省烟台市人。
华东政法学院国际法学学士，新加坡国立大学比较法硕士，美国威拉姆特大学法学博士，美国纽约州、俄勒冈州律师，比利时根特大学法学院、美国密歇根大学法学院和哈佛法学院访问学者，美国凯斯西储大学法学院和东芬兰大学法商学院客座教授，美国American Law Reporter (ALR) International的合约撰稿人，出版《英美法：案例分析与法律写作》（上海人民出版社）、《英美法：合同、侵权与法律实务》（上海人民出版社）、《Chinese Business Law》（合著，美国Thomson West法律出版公司）和《被误读的信托——信托法原论》（复旦大学出版社）等专著和教材，并在国内外法学期刊发表论文若干。
主要研究和授课领域为比较法（民商、信托法）、国际金融法和法律英语。

书籍目录

PART I INTRODUCTION TO COMMON LAW SYSTEM

CHAPTER1 COMMONLAW

1.1 Law

1.2 Common Law

1.3 Law versus Equity

1.4 Statutory Law versus Case Law

1.5 Summary

New Words and Expressions

Review Questions

CHAPTER2 COMMON LAW COURT SYSTEM

2.1 The English Court System

2.1.1 Magistrates' Courts-For Both Civil and Criminal Cases

2.1.2 County Courts-For Civil Cases Only

2.1.3 Crown Court-For Criminal Cases Only

2.1.4 High Court-For Both Civil and Criminal Cases

2.1.5 Court of Appeal-For Both Civil and Criminal Cases

2.1.6 Final Court of Appeals

2.1.7 European Court of Justice

2.2 The American Court System

2.2.1 The Federal Courts

2.2.2 State Courts

New Words and Expressions

Review Questions

CHAPTER3 SOURCES OF LAW

3.1 Sources of Law in England

3.1.1 The European Union Law

3.1.2 Statutory law

3.1.3 Case Law

3.2 Sources of Law in the United States

3.2.1 Constitutions

3.2.2 Statutes

3.2.3 Administrative Regulations

3.2.4 Case Law

New Words and Expressions

Review Questions

CHAPTER4 LEGAL PROCEEDINGS

4.1 Commencement of the Proceeding-Pretrial

4.1.1 Filing with the Court: Complaint

4.1.2 Service of Process

4.1.3 The Response: Motion, Answer, and Reply

4.1.4 Discovery

4.2 Trial Date and Jury Selection

4.2.1 TrialDate Assignment

4.2.2 Jury Selection

4.2.3 Preliminary Instructions of Law

<<英美普通法读写教程>>

4.3 Trial

4.3.1 Opening Statements

4.3.2 Plaintiff's Case in Chief

4.3.3 Defendant's Case in Chief

4.3.4 Closing Arguments

.....

PART CASE LAW

PART CASE ANALYSIS

PART LEGAL DOCUMENT DRAFTING

章节摘录

the source of authority for federal laws and the federal courts. Each state has authority over persons and activities within its boundaries. State governments, in turn, delegate some authority to local governments. Each of these governmental units may, within certain constraints, make law. Generally there are three branches of the government: the legislature, the administrative agencies, and the judiciary. Each of them makes a different kind of law. Legislatures create statutory law by passing bills, which become law when signed by the executive. Agencies create administrative law, consisting of rules and decisions issued by the agencies. Finally, the judiciary makes common law, sometimes informally referred to as judge-made law, which is found in court decisions. Federal statutory, administrative, and common law apply throughout the United States; a state's statutory, administrative, and common law apply only in that state. These sources form a hierarchy with constitutions at the top and judge-made laws at the bottom.

3.2.1 Constitutions
Constitutions include the United States Constitution and constitutions of each state. Within a jurisdiction, the constitution is the highest authority; statutes, regulations, and common law must not conflict with the constitution. The most important source of law in the United States is the Constitution of the United States which separates the government into the three coordinated branches, grants certain enumerated powers to each of these branches, reserves certain powers to the states, and sets limits on the power of the federal and state governments to enact certain kinds of legislation or to engage in certain kinds of activities relating to their citizens. The United States Constitution sets the standards against which all federal and state law is ultimately measured, and it applies throughout the country. Each state in the United States has also adopted a constitution which sets out both the form and operation of government in that state and also places certain limits on its power. The state constitution applies only within that state's boundaries. Constitutions are normally reprinted in statutory compilations at both the federal and state levels.

3.2.2 Statutes
Statutes are another important source of law in the United States. While the constitutions address broader, more fundamental, and timeless matters of government structure and power, statutes deal with particular problems as they arise. Statutes refer to the enactments of the legislative bodies including acts of Congress, statutes of federal and state legislatures, and ordinances of local governing bodies acting within the powers conferred on them by state legislatures. Statutes create categorical rules to address particular problems. Unless and until a statute is declared to be unconstitutional, it is controlling as to the subject it encompasses.

The U.S. statutory law is found in session laws and statutory codes. The statutes are arranged in a chronological order of their enactment in the session laws, while arranged according to subject matter in the statutory codes, for example, all criminal laws are grouped together regardless of the dates on which the individual criminal statutes were passed. At the federal level, the session laws are found in the series called Statutes At Large (abbreviated as "Sta. "); the codified version is found in the United States Code (U.S.C.) and in two commercially published editions, United States Code Annotated (U.S.C.A.) and United States Code Service (U.S.C.S).

<<英美普通法读写教程>>

版权说明

本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

更多资源请访问:<http://www.tushu007.com>