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|----|---------|------|--------|
| 系級 | 法律學系博士班 | 考試時間 | 100 分鐘 |
| 科目 | 法學英文    | 本科總分 | 100 分  |

※請務必標明題號，依序作答於答案卷上 (題上作答者不予計分)

**I. Translation (Chinese to English) 30%**

- |            |          |
|------------|----------|
| 1. 信託義務    | 2. 經濟制裁  |
| 3. 智慧財產權侵害 | 4. 數罪併合  |
| 5. 證據排除法則  | 6. 保險受益人 |
| 7. 報復性措施   | 8. 政治庇護  |
| 9. 協同意見    | 10. 聽證會  |
| 11. 不當得利   | 12. 環保法  |
| 13. 直接詰問   | 14. 行政命令 |
| 15. 專家證人   |          |

**II. Translation (Chinese to English) 10%**

按法規之適用，原則上於生效後之事實或法律關係始有適用，不適用於該法規生效前業已終結之事實或法律關係，即法規不溯既往原則。

**III. Translation (English to Chinese) 30%**

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|-------------------------|-------------------------------|
| 1. capital punishment   | 2. moral turpitude            |
| 3. promissory estoppel  | 4. ex parte proceedings       |
| 5. informed consent     | 6. adverse witness            |
| 7. disciplinary action  | 8. forum non conveniens       |
| 9. irrevocable offer    | 10. performance of a contract |
| 11. prevailing party    | 12. statutory damages         |
| 13. strict liability    | 14. discovery process         |
| 15. franchise agreement |                               |

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**IV. Translation (English to Chinese) 10%**

Advertisements put out by enterprises to market their products and services are closely associated with the consumption behavior of the public. When some unscrupulous businesses try to obtain profits through false advertising, the rights and interests of many consumers will be jeopardized and the fairness and competitiveness in the market will also be affected.

**V. Vocabulary 20%**

|         |                    |                                      |
|---------|--------------------|--------------------------------------|
| battery | foreseeability     | plaintiff                            |
| consent | withdrawal         | cease and desist                     |
| fault   | assumption of risk | damages                              |
| tort    | malicious conduct  | judgment notwithstanding the verdict |

1. After conducting several inspections of the Steve's Restaurant, Steve was requested and served an order requiring him to \_\_\_\_\_ operating the restaurant until he had corrected numerous violations of the Public Health Code.
2. Generally, one who consents to conduct that would be an intentional tort cannot recover \_\_\_\_\_ for that conduct.
3. Among the intentional torts, \_\_\_\_\_ defeats the claim for battery, for false imprisonment, and for trespass to land or chattels or conversion.
4. In a negligence case, the burden of proof remains on the \_\_\_\_\_ throughout the proceedings to prove all of the elements of negligence.
5. Every \_\_\_\_\_ action depends upon the proof of four elements: the existence of a legal duty, the breach of that duty, damage to the plaintiff, and a cause or relationship between the breach and the damage.