

《加纳谈法律文书写作（中英文）》

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作者简介

布莱恩·A·加纳，《布莱克法律辞典》的主编，不仅是公认的法律文献专家，更是一位教导现代法律写作者如何写作的大师。他著述颇丰，代表作品有《布莱克法律辞典》、《胜券在握：案情摘要写作要领》、《法律写作：使用朴素的语言》等。

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编辑推荐

本书清晰、睿智、全面地阐述了法律作家应该了解的各种知识：写作方法、词语的选择、谋篇布局、修辞手法以及法律作家必须遵守的一些特殊规则，例如如何使用小标题，如何定义术语、如何利用引文等写作技巧。

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精彩短评

- 1、不信各位可以看下译者多前言的翻译，低级错误很多。更多法律英语法律翻译书籍点评，请到[...]
查看。专业法律英语翻译
- 2、中文翻译得什么玩意？根本没读懂这本书，或毫无背景知识，就来翻译这本书。举个例子：文中有“idea trade”居然翻译成“思想贸易”！请问，思想怎么贸易法？把各自脑袋砍下来贸易给对方吗？直接翻译成“想法交流”啊！中文翻译非常让人失望！但原著是本好书，所以请把中文翻译去掉，把书价降下来。拿这种翻译来多卖钱，就是欺骗消费者，要“假一赔十”的！！
- 3、送货速度快，快递人员服务态度也很好，书也好，喜欢在这里买东西。
- 4、翻译很差，看原文更准确些

章节试读

1、《加纳谈法律文书写作（中英文）》的笔记-第351页

Our anticipation of such claims long cautioned us against abrogating the immunity rule. Notably, the debt that Smith recovered under the amended petition was the same debt as she sought in the original petition.

不属于这一页的关于行文简洁的

Legal writing is about brevity and clarity. This is not high school where you 're trying to stretch an essay into ten pages to be done with the assignment. Do not use a thesaurus to find the longer, unfamiliar word; use the shorter, more common word whenever possible.

Garner recommends the deep issue. Explain the issue in the memo or brief in 75 words or less. Use multiple sentences. Interweave key facts in chronological order. Last sentence is a question that flow from what preceded it. Follow the deep issue with an answer and high-level summary of reasoning. Use a deep issue for each unique issue in a brief or memo.

Put the action into verbs, not nouns. Avoid " enter into a settlement agreement. " Say " settle. " Avoid " take into consideration. " Say " consider. " Avoid " be in agreement. " Say " agree. "

Write as you would speak. Don ' t stretch. Be yourself and your voice will shine through in a refreshing manner.

2、《加纳谈法律文书写作（中英文）》的笔记-第308页

卡多佐居然在判决里写“生活本身必须为这个谜题提供答案”哈哈哈哈哈Before experimenting with the showier qualities in writing, master the art that conceals art: try to be direct, simple, lucid and brief.

...Cardozo...But his literary flair was not plain, and it sometimes betrayed him when he attempted to elevate the mundane. He once wrote, for example, in an opinion addressing whether a man who paid his employer ' s debts could take a tax deduction: " Life in all its fullness must supply the answer to the riddle. " Did anyone ever write an emptier sentence?

(See Erwin N. Griswold,Foreword:The Supreme Court 1959 Term,74 HARV. L. REV. 81,90(1960)

就行文平实、语言朴素的其他论述

Avoid jargon, and use plain language. E.g., Avoid " at the present time. " Say " now. " Avoid " sufficient number of. " Say " enough. "

With very few exceptions avoid Latin and French phrases. Just use the English alternatives. Avoid " ab initio. " Say " from the beginning. " Avoid " inter alia. " Say " among others. " It will clarify your thinking.

Put the action into verbs, not nouns. Avoid " enter into a settlement agreement. " Say " settle. " Avoid " take into consideration. " Say " consider. " Avoid " be in agreement. " Say " agree. "

Write as you would speak. Don ' t stretch. Be yourself and your voice will shine through in a refreshing manner.

3、《加纳谈法律文书写作（中英文）》的笔记-第71页

例举the opening of Megarry J's judgment in Re Flynn

see how effectively this opening paragraph stimulates your curiosity to read further:

'Errol Flynn was a film actor whose performance gave pleasure to many millions.On June 10, 1909, he was born in

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Hobart, Tasmania; and on Oct, 14, 1959, he died in Vancouver, British Columbia, when he was seventeen he was expelled from school in Sydney; and in the next thirty-three years he lived a life [that] was full, lusty, restless and colourful. In his career, in his three marriages, in his friendships, in his quarrels, and in bed with the many women he took there, he lived with zest and irregularity, the lives of film stars are not cast in the ordinary mould; and in some respects Errol Flynn's was more stellar than most, when he died, he posed the only question that I have to decide: Where was he domiciled at the date of his death?

4、《加纳谈法律文书写作（中英文）》的笔记-第302页

Who would call Kant's categorical imperative plain, despite the seeming simplicity of the words? "Act as if the maxim on which you act were to become, through your will, a universal law."

5、《加纳谈法律文书写作（中英文）》的笔记-第1页

Lie, lay, lain = to recline, be situated. It is intransitive and doesn't take a direct object. E.g., He lies on his bed.
Lay, laid, laid = to put down, arrange. It is transitive and demands a direct object. E.g., He laid his hand on her shoulder.

6、《加纳谈法律文书写作（中英文）》的笔记-第521页

"I cannot say that I know much about the law, having been far more interested in justice." – William Temple (former Archbishop of Canterbury)

"[O]ur dead brother seemed to me too modest to be ambitious for reputation, and to regard his place mainly as an opportunity and a duty. He would have been most pleased, too, I dare say, to slip from it and from life, when his hour came without remark. He would have preferred not to be celebrated with guns and bells and pealing requiems, the flutter of flags and the gleam of steel in the streets, and all the pomp which properly is spent on those who have held power in their right hand." – Oliver Wendell Holmes (paying tribute to William Allen in 1891)

"The first rule . . . for a good style is that the author should have something to say . . ." – Arthur Schopenhauer, "On Style" (1851)

"Have something to say and say it as clearly as you can. That is the only secret to style." – Matthew Arnold (1822-88)

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