

考試科目	英文	所別	法律學系 7112. 7114. 7116 財經法組、刑法組、基礎 法學組	考試時間	2月25日(六) 第三節
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1. Multiple-Choice (3% for each question. Please select only one answer in each question)

- (1) No American company should be able to avoid _____ its fair share of taxes by moving jobs and profits overseas.
- (A) pay
(B) paying
(C) paid
(D) contribute
- (2) I agree with the Court that Alaska's Sex Offender Registration Act does not amount to an *ex post facto* law. But the majority comes to that conclusion by a different path from mine, and I only _____ in the judgment.
- (A) dissent
(B) concur
(C) disagree
(D) consenting
- (3) Judges have to have the _____ to be open in the decisional process to the considered views of their colleagues on the bench.
- (A) modesty
(B) arrogance
(C) aggressive
(D) shameless
- (4) Education is a principal instrument in awakening the child to cultural values, in _____ him for later professional training, and in helping him to adjust normally to his environment.
- (A) preparing
(B) letting
(C) neglecting
(D) hoping

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- (5) Plaintiffs move for a preliminary injunction _____ defendants from using the trademark.
- (A) allowing
 - (B) impose
 - (C) enjoining
 - (D) prescribe
- (6) The State offers two separate interests to _____ this conviction: preventing breaches of the peace and preserving the flag as a symbol of nationhood and national unity.
- (A) predict
 - (B) justify
 - (C) upheld
 - (D) rule
- (7) In areas other than criminal abortion, the law has been reluctant to _____ any theory that life, as we recognize it, begins before live birth.
- (A) endorse
 - (B) enact
 - (C) enabling
 - (D) forge
- (8) A Delaware court ruled that the board of directors of the Walt Disney Company did not breach their _____ duty.
- (A) fierce
 - (B) fidget
 - (C) care
 - (D) fiduciary
- (9) The administrator's interpretation represents a reasonable accommodation of manifestly competing interests, and is entitled to _____.
- (A) deference
 - (B) difference
 - (C) deterrence
 - (D) detestation

考試科目	英文	所別	法律學系 712、714、716 財經法組、刑法組、基礎 法學組	考試時間	2月25日(六) 第三節
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- (10) In *Berghuis v. Thompkins*, the Supreme Court ruled that a criminal suspect must specifically invoke the right against _____ in order for constitutional protections to apply.
- (A) self-discrimination
 - (B) self-incrimination
 - (C) self-inclination
 - (D) self-implication

2. Please translate the following paragraphs into Chinese (40%)

- (1) Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire. Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath. (20%)
- (2) Given the nature and the amount of personal information contained in cellular samples, their retention *per se* must be regarded as interfering with the right to respect for the private lives of the individuals concerned. That only a limited part of this information is actually extracted or used by the authorities through DNA profiling and that no immediate detriment is caused in a particular case does not change this conclusion. (20%)

3. Please translate the following paragraph into English (30%)

個人之私人生活及社會活動，隨時受他人持續注視、監看、監聽或公開揭露，其言行舉止及人際互動即難自由從事，致影響其人格之自由發展。……個人縱於公共場域中，亦應享有依社會通念得不受他人持續注視、監看、監聽、接近等侵擾之私人活動領域及個人資料自主，而受法律所保護。惟在公共場域中個人所得主張不受此等侵擾之自由，以得合理期待於他人者為限，亦即不僅其不受侵擾之期待已表現於外，且該期待須依社會通念認為合理者。

備註	試題隨卷繳交
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