

國立臺北大學 111 學年度碩士班一般入學考試試題

系（所）組別：法律學系（基礎法學組、公法學組、刑事法學組、
財經法學組、國際法學組、法律專業組）

科目：英文

第1頁 共4頁

可 不可 攜帶任何參考資料及電子資訊用具

PART I. (2% for each question)

Quote from the Supreme Court Nomination Hearings of Ruth Bader Ginsburg:

"In the 70s, when I was at Columbia and writing briefs about distinctions based on sex, and writing articles and speeches, I had a secretary, and she said, 'I've 1 this word sex, sex, sex, and let me tell you, the 2 that you are addressing—the men that you are addressing'—and they were all men in the appellate courts in those days—the first 3 of that word is not what you're talking about. So I 4 that you use a grammar book term; use the word "gender." It will 5 distracting associations."

- (A)type (B)tape (C)been typing (D)been type
- (A)supporter (B)believer (C)student (D)audience
- (A)appropriation (B)appreciation (C)association (D)adaption
- (A)unhappy (B)instruct (C)suggest (D)object
- (A)create (B)recommend (C)ward off (D)maintain

PART II. (2% for each question)

Quote from Ruth Bader Ginsburg:

"The 6 difference between fighting gender discrimination 7 race discrimination is good people immediately 8 race discrimination as evil and intolerable. But when I talked about sex-based discrimination, I got the response, 'What are you 9 about? Women are 10 ever so much better than men!'"

- (A)zero (B)enormous (C)same (D)wrong
- (A)than (B)as opposed to (C)with (D)to
- (A)ignore (B)perceive (C)reject (D)understands
- (A)talk (B)talking (C)talked (D)took
- (A)treated (B)treats (C)treating (D)threaten

PART III. (2% for each question)

- Many people tried to trespass the border from their homeland to work as an _____ worker in a foreign country.
(A)super (B)undocumented (C)uncorrected (D)practical
- Spending too much time on watching television is unwise. Kara _____ more time on preparing the English test.
(A)should have spent (B)should spending (C)spends (D)should have
- _____ he had failed four times, Kim still went on to prepare for the admission application again.
(A)Mattering not (B)Even though (C)Despite (D)Despiting

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14. You _____ a graduate student now if you had prepared for the entrance exam earlier.
(A)is (B)maybe (C)being (D)would be
15. But for my advisor's inspiration and guidance in the past several years, I _____ legal profession.
(A)would not have been devoted in (B)would not devoting in (C)would not have been devoted on
(D)would not have been devoted at
16. Should you _____ your client, tell him to contract a lawyer for the upcoming lawsuit.
(A)meeting (B)met with (C)have met (D)meet
17. James is busy _____ his research proposal.
(A)do (B)doing (C)doesing (D)done
18. John made an appointment with his lawyer _____ the conference room in the court house.
(A)under (B)on (C)in (D)at
19. The kind old lady insists _____ offering us a cup of hot tea in her living room before our departure this afternoon.
(A)to (B)on (C)in (D)X
20. A graduate student should concentrate _____ finding his/her passion for research rather than focusing on passing exams.
(A)at (B)on (C)in (D)into
21. The climate change has a lot of impact _____ local farmers.
(A)on (B)at (C)in (D)for
22. If I had studied the handout last night, I _____ answer the question in class today.
(A)am able to (B)should be able to (C)had been able (D)be able to
23. Would you mind _____ me the red hairbrush in the wooden closet.
(A)handing (B)handling (C)to hand (D)handle to
24. Tokyo City is larger than _____ city in Taiwan.
(A)anything (B)any (C)any other (D)other any
25. The New Children's Amusement Park in Taipei City is the most popular playground for children _____ Metro Taipei City area.
(A)in (B)below (C)upon (D)at

PART IV. Please find the best answer from (A), (B), (C) or (D) to each question. (3% for each question)

26. _____ bear as close a resemblance to a civil code as anything else in the United States.
(A)The Restatements of Torts (B)Model Penal Code (C)Legal Encyclopedia (D)American Law Reports
27. _____ is the standard used by a jury to determine whether a criminal defendant is guilty.
(A)"Probable cause" (B)"Beyond a reasonable doubt" (C)"Reasonable man standard" (D)"Preponderance of evidence"

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28. _____ shall be the highest supervisory organ of the State and shall exercise the powers of consent, impeachment, censure and auditing.
- (A)The National Assembly
(B)The Cabinet
(C)The Control Yuan
(D)The Ministry of Justice Investigation Bureau
29. “A district attorney should be dedicated to the pursuit of truth, justice and protection of the innocent, and the prevention of crime through the vigorous and professional prosecution of those who violate the law.” “District attorney” refers to which of the following:
- (A)pro-bono lawyer (B)prosecutor (C)intelligence agent (D)Justice of the Peace
30. Which of the following descriptions about “soft law” is wrong?
- (A)Guidelines, policy declarations, or codes of conduct that set standards of conduct but are not legally binding.
(B)Rules that are neither strictly binding nor completely lacking in legal significance.
(C)It usually refers to any written international instrument containing principles, norms, or other statements of expected behavior, e.g., a treaty.
(D)It expresses a preference and not an obligation that state should act, or should refrain from acting in a specified manner.
31. “Fictions deliberately fabricated and presented as non-fiction with the intent to mislead recipients into treating fiction as fact or into doubting verifiable fact.” This sentence should be the definition of the _____.
- (A)cyberbullying (B)fake news (C)revenge porn (D)anti-stalking
32. Sexual battery is the nonconsensual penetration of or contact with another’s sexual organs or the perpetrator’s sexual organs. The word “battery” means:
- (A)use of force against the body of another with the intent to cause harm.
(B)a small device that provide the power for electrical items.
(C)a sex toy that can produce microcurrent (weak electricity).
(D)a number of large guns or similar weapons operating together in the same place.
33. What kind of crime does a person commit if he takes away another’s property with irresistible force and without permission?
- (A)Burglary (B)Defamation (C)Abrupt taking (D)Robbery
34. According to the Taiwan Civil Code, a tortfeasor who has caused the death of another shall compensate the person who paid out medical expenses, the increased living costs and the fees associated with _____.
- (A)punitive damage (B)lost profit (C)tax charges (D)funeral matters
35. “National Federation of Independent Business v. Sebelius, 567 U.S. 519, 533-42 (2012).” Which one of the following comprehension from this citation is wrong?
- (A)The starting page of this case can be found on page 519 of the said volume.
(B)The actual pages that the author cited are from page 533 to page 542.
(C)The judgment was delivered on 2012.
(D)The “U.S.” refers to the “United States of America.”

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PART V. Reading Comprehension (4% for each question)

Hypothetical case: Pelosi v. Trump

Pelosi has sued Trump, the owner of a restaurant, for false imprisonment. Trump believed that Pelosi was leaving without paying her bill. Pelosi in fact had left the money on her table. Trump told Pelosi that she could not leave until someone verified that she had paid. Trump took Pelosi's pocketbook in which Pelosi had her keys, money, credit cards, and her checkbook. The restaurant was very busy and understaffed. Pelosi stayed with Trump for twenty minutes until Trump found an employee to see if Pelosi had left the money on the table.

Although Trump never physically prevented Pelosi from leaving, and Pelosi could have walked out of the restaurant at any time, Trump is liable to Pelosi for falsely imprisoning her. A person falsely imprisons another by unlawfully confining her within fixed boundaries, if he acts intending to do so. Trump confined Pelosi in the restaurant by telling her she could not leave and by taking her purse away. Confinement may be effectuated by duress, even duress that is not the product of threatening behavior. Pelosi could not leave the restaurant because she believed that she could have lost her pocketbook with its valuable contents if she did so. Hence, she was unlawfully confined. She acted reasonably by remaining in the restaurant until she recovered her possessions.

36. If the controversy happened in Taiwan, which of the following provisions might be the most irrelevant one to it?
- (A) Physical liberty shall be guaranteed to the people. Except in case of flagrante delicto as provided by law, no person shall be arrested or detained otherwise than by a judicial or a police organ in accordance with the procedure prescribed by law.
 - (B) A person who without authority takes another into custody or by other illegal means deprives him of his freedom of movement shall be sentenced to short-term imprisonment, or a fine or not more than nine thousand dollars.
 - (C) A person who, intentionally or negligently, has wrongfully damaged the rights of another is bound to compensate him for any injury arising therefrom.
 - (D) A person who by violence or threats causes another to do a thing which he has no obligation to do or who prevents another from doing a thing that he has the right to do shall be sentenced to imprisonment.
37. Which is the broadest formulation of the holding from this case?
- (A) The defendant falsely imprisoned the plaintiff by means of duress although he did not use physical force when he took an item of value belonging to plaintiff in order to have her remain on the premise.
 - (B) The defendant falsely imprisoned the plaintiff by duress when he took an item from the plaintiff in order to have her remain on the premises.
 - (C) The owner of a restaurant unlawfully confined his customer when he told her she could not leave and took her pocketbook and its valuable contents away for twenty minutes until he could verify her payment of her bill.
 - (D) Trump should be responsible for abridging Pelosi's physical liberty.

PART VI. Translation (4% for each question)

38. 國民法官法第五條
39. mental incompetence to stand trial.
40. expressio unius, exclusio alterius (i.e., expression of one thing excludes another)

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