

行政院國家科學委員會專題研究計畫 成果報告

法律學門赴英、荷、比、盧考察計畫 研究成果報告(精簡版)

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行政院國家科學委員會
法律學門赴歐洲考察報告

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中華民國九十五年九月

行政院國家科學委員會法律學門赴歐洲考察團考察報告

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第一章 前言

壹、考察緣起

近十餘年來，歐洲整合的速度與其所涉及的層面，均為十餘年前所不可想像。透過歐洲整合，各國也開始進行幾乎全面性的法律體制調和。以往在歐洲之內，有英國的英美法系與德國與法國的歐陸法系之別；更細的來說，德國與法國法律亦有相當差異。但近年來，歐洲已經透過立法工作，進行大規模的法律融合工程。在各個法律領域，都可見富有創見且令人讚嘆的歐盟法的誕生。由一開始的對外經貿法規，到後來的競爭法、民法、憲法等等方面的整合，都已經有相當高的成就。此種發展，在法律體制而言，有其極為重要的地位（法律體系若干部分可能不再嚴格劃分英美法與大陸法）。對法學研究而言，也形成重要的新領域（對法學者就新體系及新概念的理論形塑與法釋義的進行，均屬挑戰）。其所衍生的法學教育的因應或調整，亦值得深入了解。

本參訪擬透過各法律領域的學者，親訪各關鍵國家，並與其法學界及政府部門相關負責人士進行討論，以增加我國對歐盟法整合情形與此一重要法制變革的瞭解，及其變革對其他國家的含意；並深入瞭解其法學界及法律教育界對此一變革的因應，俾作為我國提升法學研究及改革法學教育的重要參考。由於英國為英美法重鎮、荷蘭法學教育有其極為特殊之處、比利時首都布魯塞爾為歐盟總部、盧森堡有歐洲法院，故均將以最有效率之方式進行短期參訪及座談或研討。

貳、 規劃情形

(一) 邀請參與考察之人員

法律學門有諸多次領域，且學者間留學國別有相當差異。考量次領域、參與者留學背景、及所來自學校的代表性，本次考察團員如下：

1. 羅昌發（法律學門召集人）：台灣大學法律學院院長，專長為國際經貿法
2. 黃程貫：政治大學法學院院長，專長為勞社法
3. 段重民：世新大學法學院院長，專長為刑事法
4. 李震山：政治大學法律系教授，專長為公法、民事法
5. 詹森林：台灣大學法律系教授，專長為民事法
6. 謝銘洋：台灣大學法律系教授，專長為財經商事法
7. 施慧玲：中正大學法律系教授，專長為民法、基礎法學
8. 林芳美：國科會人文處

(二) 考察之學術與法律機構

由於本次考察主要重點包括歐洲法學教育及在歐盟整合後影響其法學發展及研究的因素，故除考察其學術機構外，亦以其司法機構為對象。聯繫過程中，駐英代表處科學組胡昌智組長及陳嘉猷副組長及駐歐代表處魏可銘副代表及貿易組石大玲秘書積極協助安排。考察之單位及相關活動性質如次：

2006/07/10（一）：Warwick 大學法學院及英國法學教育中心（進行一日的法學教育研討會）

2006/07/11（二）：倫敦大學亞非學院（進行座談）、倫敦律師學院（參訪）、倫敦皇家法院（參訪）

2006/07/12（三）：歐洲法院（參訪）

2006/07/13（四）：歐洲學院（進行座談）

2006/07/14（五）：荷蘭自由大學法學院（進行座談）

行前之相關規劃，如附件一。

第二章 英國Warwick大學法學院及英國法學教育中心參訪及研討會

本次考察的第一站為英國。7月11日參訪Warwick大學法學院以及設立於該校之獨立研究與諮詢機構「英國法律教育中心」。Warwick大學法學院與英國法律教育中心為回應本考察團之參訪目的而合辦「英國法學教育與歐盟研討會（One-Day Seminar on Legal Education in the UK and the European Union）」，雙方與會者針對「台灣法學教育」、「歐盟與英國法學教育」、「Warwick大學法學教育」、「英國法律教育中心的專業角色與活動」以及主辦單位致力發展之「法律e化教學」等主題作引言與討論。7月12日參訪倫敦大學亞非學院，由該學院東亞法律研究所所長夫婦接待，除藉由午餐時間輕鬆討論法學教育相關議題並交換意見外，並安排參訪雅非學院圖書館，由專業館員以中文介紹館中中文藏書。該等參訪之相關資料如下：

壹、英國Warwick大學及英國法學教育研究中心參訪及研討安排

本次參訪係以研討方式進行；研討會名稱 One-Day Seminar on Legal Education in the UK and the European Union；由 Warwick Law School and the UK Centre for Legal Education 主辦。相關議程如下：

Tuesday, July 10, 2006

Time	Topic	Chair \ Speaker
10.00 am	引言 Introductions Greetings	Warwick 大學法學院院長 Roger Burridge (Head, Law School) 英國法律教育中心主任 Julian Webb (Director, UKCLE) 羅昌發院長 Chang-fa Lo (Leader, Taiwan Team)
10.15 am	台灣的法學教育 Legal Education in Taiwan	羅昌發院長 Chang-fa Lo
10.45 am	歐盟與英國法學教育 Legal Education in EU and UK	英國法律教育中心主任 Julian Webb
11.15 am	Warwick 大學法學教育 Legal Education at Warwick	法學院院長 Roger Burridge 法律研究所及法律專業訓練所所長 Nicholas Johnson (Director, LLM and Warwick Legal

		Training) 國際發展法與人權研究所所長 Abdul Paliwala (Director, LLM in Int' l Development Law and Human Right)
12.15 pm	「英國法律教育中心」的專業 角色與活動 Role and activities of UKCLE	英國法律教育中心主任 Julian Webb 英國法律教育中心副主任 Tracey Varnava (Associate Director) 法律 e 化教學顧問 Patricia McKellar (E-learning Advisor)
12.45 pm	Lunch	
2:00 pm	Role and activities of UKCLE (contd.)	英國法律教育中心副主任 Tracey Varnava 法律 e 化教學顧問 Patricia McKellar
2:30 pm	法律 e 化教學 E-Learning in Law	國際發展與人權法律研究所所長 Abdul Paliwala
3:00 pm	綜合討論 General Discussions	全部出席者 All
3:30 pm	賦歸 Depart for Coventry Station	

貳、研討會報告內容

該研討會雙方均提出報告，並針對法學教育體制與法學教育方法進行討論。

(一) 我方報告臺灣法學教育現況

我方報告之 PPT 檔如下：

Legal Education in Taiwan at the Crossroads of Reform

By
Chang-fa Lo and The Delegation
from Taiwan

Main Body of Legal Education

- Undergraduate programs.
- Mostly four-year programs
- Bachelor-of-law degree
- Admissions of students mostly based upon the college entrance examination held by the College Entrance Examination Center
- Limited numbers of law departments admit small portion of students based upon various performances and talents shown in their high school years.

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The Students

- As young as 18 years old when start learning the science of law.
- Many students struggle, especially in their first one or two years, due to:
 - limited social and other experiences to understand the complication of legal relations, the very abstract concept of justice and fairness, and the difficult terms and sentence structures of law and legal materials.

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Graduate Program

- Many universities established graduate institutes of law (LL.M. programs)
- They decide admissions based upon admission examinations.
- At least two years as full time students
 - Many even take longer time for writing very substantial LL.M. theses or for preparing lawyers' or judicial examinations during their LL.M. years.

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Doctoral Program

- A number of universities having their doctorate programs.
- Many of the students in the programs have the intention of entering into academic careers.
- There are also large portion of the people being already practicing lawyers or judges when they entered into the doctorate programs. Their purposes are not to pursue academic careers. They are more for the purpose of enhancing their credibility or prestige to help their practicing careers.

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Post-graduate Legal Education

- In recent years, there are some universities having established professional school-like programs.
- Three-year program; many students take longer time to finish
- Still different from American J.D. programs in regard to teaching method, clinical training, teaching materials, etc.

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Courses

- Traditional courses include the Constitutional Law, the Administrative Law, the some criminal law course, many civil law courses, etc.
- Foreign law courses or comparative law courses, such as Anglo-American law courses, European law courses, Japanese law courses, German law courses and French law courses, etc.
- Others, such as IP, WTO, construction law, arbitration law, etc.
- But some law faculties can only offer basic ones.
- Not many humanistic subjects.
- Not many interdisciplinary subjects allowing the students to cooperate with other non-legal disciplines.

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Teaching Method

- Mostly, lectures.
 - There is a general lack of interaction between the instructors and the students.
 - Many professors believe that conducting their courses under question-answer process is not appropriate. They like to deliver their knowledge in a systemic and “effective” way.
- Only limited numbers of professors apply question-answer or Socratic method as the main process of their teaching.

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Clinical Training

- Not many clinical training programs or courses available at most of the universities.
- Some examples...

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Bar Examination

- Lawyers' examination and judicial examination in Taiwan
- The current requirements of taking the judicial and lawyers' examinations are very lenient: e.g. 20 credits of the core law courses qualifies people to take the lawyers' examinations.
- The passing rates of the examinations are low.
 - lawyers' examinations in 1970s and 1980s: around 1% or even less than 1%.
 - In recent years, the rates were about 6 to 8%.
- The low passage rates distort legal education.

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Needs of Reform

- We are facing rigorous international competition
- Students' basic knowledge is limited; experience of life is minimal
- Basic contents of legal education have not been fundamentally converted to correspond with the social and economic changes, including lack of responses to the trend of globalization and lack of practical training and solid and in-depth training on legal analysis and reasoning
- Some unnecessary details, neglecting the broader perspectives; or not detailed enough
- Needs more specialization in various fields

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- There have been so many law departments in such small island of Taiwan. Many of them are seriously understaffed with law professors. Many of them do not set their missions in accordance with their status and potentials.
- There is a need of a mechanism to guarantee the universities being equipped with sufficient and appropriate faculty members and to ensure that when they fail to meet the requirement, They will be removed from the legal education market.

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- Balance between professional knowledge, professional ethics and morality
- The examination system needs to be changed to reduce the distortive effect arising from low passage rate.

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Ways to Move Ahead

- Many discussions about legal education reform at this stage.
- Different Approaches:
 - American style law school with some modification?
 - Japanese reform model with some modification?
 - Only to change the examination system?
 - Only to change the courses?
 - Not to change at all?
- Difficulties:
 - Related matters being in charged by different branches of governmental powers
 - Survival of the current many law departments
 - Political Will and Commitments are yet to be found and Nation Wide Consensus are yet to be built
- We are yet to find a solution.

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Some Concluding Points

- My colleagues and I are looking forward to inspiration from you and your institute!
- Thank you for your valuable time and efforts!

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(二) Julian Webb報告

英國法學教育中心主任 Julian Webb (Professor of Legal Education, Director, UKCLE) 報告 Legal Education in the UK and Europe: After Bologna (英國與歐洲的法律教育：在「波隆那」之後)【10：45 -11：15pm】

<p>【p.2】</p> <p>Legal Education in England & Wales</p> <p>Separation of academic, vocational and continuing stages</p> <ul style="list-style-type: none"> - in theory three year law degree as ‘normal’ entry route to the profession, but - around 50%+ of law graduates do not proceed to vocational training - about 40% of the profession is non-law graduate entry - divided legal profession - separate vocational training for solicitors and barristers - followed by ‘apprenticeship’ stage - 2 year training contract (solicitors) or 1 year pupillage (barristers) - increasingly formalised requirements for continuing education after qualification - Law Society and Bar currently reviewing their training frameworks 	<p>英格蘭及威爾斯的法律教育</p> <p>分為大學教育、執業訓練的和在職教育三個階段</p> <ul style="list-style-type: none"> - 理論上為期三年的法律學位是執業的‘正常’途徑，然而 - 大約比 50%多一些的法律系畢業生沒能進入執業訓練 - 大約 40%的執業者並非法律系本科畢業生 -分散的法律專業 - 「小律師」與「大律師」分開進行的執業訓練 - 隨後進入「實習階段」：2 年約聘助理訓練（小律師）或1年律師學徒訓練（大律師） - 逐步地將取得律師資格後的在職教育列入正式要求 - 法律協會和律師公會正在檢討律師資格考試與訓練體制
<p>【p.3】</p> <p>Regulatory structure (England and Wales)</p> <ul style="list-style-type: none"> • Law degree: professional ‘foundation subjects’ - Obligations (contract and tort), Property (land and trusts), Criminal Law, Public Law, EU Law. • ‘Benchmarks’ - key knowledge and transferable skills (legal research, communication skills, teamwork, IT, numeracy) • Degree curriculum in other respects is not regulated by the profession. <p>Vocational courses</p>	<p>規範體制（英格蘭和威爾斯）</p> <ul style="list-style-type: none"> • 法律學位：必修「基礎課程」- 債法（契約和侵權行爲）、財產法（土地和信託）、刑法、公法（憲法、行政法）、歐盟法。 • 「基礎知識」- 重要的基礎知識以及可轉化應用的技能（法學方法，溝通技巧\通訊技能，團隊合作，資訊科技，基礎數學） <p>其他方面的法律學士課程則不受限（各大學可自由開設）。</p> <p>實習課程</p> <p>「應用法律技術」和「相關專業知識」</p> <p>— 由執業機構定其內容並擔保受訓</p>

<p>applied legal skills and additional knowledge areas – content specified by professional bodies, which also undertake quality assurance.</p>	<p>者的專業品質。</p>
<p>【p.4】 Regulatory input from Europe</p> <ul style="list-style-type: none"> • Mutual Recognition Directive - <i>Vassapoulou</i> case: allowed host state professions to test for competence to practice outside home jurisdiction - <i>Morganbesser</i> case: host state must assess individual competence of part-qualified lawyers - eg, English profession cannot simply require English academic qualifications. 	<p>自歐洲移植的規範</p> <ul style="list-style-type: none"> • 互相承認指令 - <i>Vassapoulou</i> 案：准許本國律師應試取得在本國之外的法院執業的資格 - <i>Morganbesser</i> 案：對於符合部分內國資格要求之外國律師，本國必須個別評估其執業資格 - 例如：英國執業律師不能夠單只具備英國學歷。
<p>【p.5】 Bologna Process <u>Bologna Declaration (1999)</u></p> <ul style="list-style-type: none"> • Inter-governmental process to construct a “European Higher Education Area” • Continuing process with regular meetings of education ministers and NGOs - Key actors: <ul style="list-style-type: none"> - European Commission - European University Association (EUA) - National Unions of Students in Europe (ESIB) - EURASHE • It is not a regulatory process - Bologna is non-binding on Member States 	<p>波隆那法 <u>波隆那宣言 (1999)</u></p> <ul style="list-style-type: none"> • 透過政府間的合作進行，建立一個「歐洲高等教育地區」 • 持續的由各國教育部長和非政府組織 召開經常性會議- 主導者包括： <ul style="list-style-type: none"> - 歐洲委員會 - 歐洲大學聯盟 (EUA) - 歐洲各國學生聯合會 (ESIB) - 【EURASHE】 <ul style="list-style-type: none"> • 它不是一個規範性的程序 - 波隆那 (宣言) 對於簽約國不具約束力
<p>【p.6】 What Bologna is trying to achieve</p> <ul style="list-style-type: none"> • Harmonisation of higher education 	<p>「波隆那」嘗試達成的目標</p> <ul style="list-style-type: none"> • 從各國共有的學士 (第一個學位：3

<p>in Europe around common ‘first’ and ‘second cycles’ + doctoral cycle (sometimes described as ‘3+2+3’ model)</p> <ul style="list-style-type: none"> • Improved mobility of students through credit transfer (NB: ECTS now moving from transfer to accumulation of credit) • Quality assurance - adequate peer review system for quality assurance and/or accreditation agencies or bodies (Berlin, 2003). • Employability - emphasis on flexible and also lifelong learning; also transparency (ECTS and Diploma Supplement [Lisbon Convention]) • Increase competitiveness of Europe in global HE market (link to GATS) 	<p>年)、碩士（第二個學位：2年）與博士學位（3年）進行歐洲高等法律教育體制的調和(偶以「3+2+3」模型稱之)</p> <ul style="list-style-type: none"> • 透過「轉換學分」制度提升學生（在歐洲各大學間）的流動性（註：ECTS正從「轉換學分」改為「累計學分」當中） • 品質擔保 - 為擔保學習品質而實施適當的同儕評審制度以及/或者委由專門機構或團體來授與合格證明。(柏林, 2003) • 就業能力 - 強調靈活且終身的學習;同時也強調知識透明度 (ECTS 和特許證補充 [里斯本公約]) • 提升歐洲在全球高等教育市場的競爭力 (和 GATS 的連結)
<p>【p.7】 Some Challenges for the UK</p> <ul style="list-style-type: none"> • UK should be well-placed to manage much of the Bologna process, but still some important issues: • Norm of five years for first and second cycles • Vocational legal training: postgraduate in time, but what about level? • Need to consider “... promotion of the necessary European dimension in higher education, particularly with regard to curricular development...” (Bologna, 1999), eg <ul style="list-style-type: none"> - Additional modules and curricula with European orientation - Promotion of integrated study programmes and joint degrees - Ensuring a substantial period of 	<p>英國面臨的若干挑戰</p> <ul style="list-style-type: none"> • 英國應該很好放置處理許多波隆那程序，但是仍然一些重要的爭論點: • 第一輪及第二輪的五年（檢討）準則 • 法律執業訓練：研究生的資格認定如何？ • 需要考慮的是：「促進歐洲地區（法律）高等教育的必要整合，特別是相關課程的發展...」（波隆那,1999），例如： <ul style="list-style-type: none"> - 另外設計歐洲取向的選課群組和課程 - 提倡整合型課程\學位以及雙主修學位 - 確保赴國外學習的必要期間

study abroad • In fact, the UK is currently missing many of its Bologna targets	• 事實上，目前有許多波隆那的目標，英國尚未達成
【p.8】 Some challenges for Europe • Need to retain momentum and flexibility as EU/EHEA expands • Recognition to be as nearly automatic as possible • Extending frameworks beyond conventional Higher Education • How to do it?	歐洲面臨的若干挑戰 • 基於歐盟/EHEA 擴張的事實，保留（整合的）動力和彈性 • 各國儘可能的主動加入（歐洲高等教育整合計畫） • 從傳統的高等教育體制延展出新的（整合）架構 • 該如何做？

Law Society 法律協會：英格蘭和威爾斯初級律師的職業團體。蘇格蘭則另有一個獨立的法律協會。法律協會有權對初級律師的行為進行懲戒，並有權制定管理律師開業許可事宜的規章。該團體更普遍的為其會員爭取更大的法庭辯論權利（即發言權），從而促進律師職業的整體利益。

（三）Burrige院長報告

Warwick 大學法學院院長 Roger Burrige (Head, School of Law)及碩士班主任 Nicholas Johnson (Director, LLM and Warwick Legal Training)報告 WARWICK LAW SCHOOL（華威大學法學院現況）【11:15 am - 12:15pm】

【p.2】 Warwick Students Undergraduates: 11,370 Postgraduates 4,805 Total Students: 16,175 International Students: 4,198	華威大學學生人數 -- 大學部 11,370 人 -- 研究所 4,805 人 -- 總人數 16,175 人 -- 國際學生人數 4,198 人
【p3】 Law School Students Undergraduates: 550 Postgraduates: 200 Total Students: 750 International Students: 250 -- Undergraduates: 165 -- Postgraduates: 80	法學院學生人數 -- 大學部 550 人 -- 研究所 200 人 -- 總人數 750 人 -- 國際學生人數 250 人 - Undergraduates: 165 - Postgraduates: 80
【p.4】	

Undergraduate Programmes LLB European Law LLB BA Law/Sociology BA Law/Business	大學部授與學位 -- 法學士 -- 歐洲法法學士 -- 法律與社會雙主修文學士 -- 法律與商務雙主修文學士
【p.5】 Postgraduate Programmes International Economic Law International Development Law & Human Rights European Law in the World Economy Legal Education Corporate Governance Comparative Criminal Justice	研究所授與學位 -- 國際經濟法 -- 國際發展法暨人權 -- 世界經濟體制中的歐盟法 -- 法律教育 -- 公司治理 -- 比較刑事司法制度
【p.6】 Law School Research & Policy Development Criminal Justice Legal Education Housing Health & Safety at Work Globalisation & Governance	法學院之研究與政策發展 -- 刑事司法制度 -- 法律教育 -- 住宅問題 -- 工作安全與衛生 -- 全球化與治理
【p.7】 <i>chart</i> School Structure: administration & accountability	【組織架構圖】 法學院組織架構： 行政管理與執行責任
【p.8】 Learning & Teaching Issues Curriculum Review Assessment Strategy Student Support Learning Innovations	教學上的重要議題 -- 定期的課程檢討 -- 進行評鑑之策略 -- 學生支持體系 -- 學習上的創新
【p.9】 Characteristics of Warwick Law School Contextual International From Teaching to Practice	華威大學法學院的特色 -- 社會脈絡中的法律思維 -- 國際視野 -- 從理論到實務
【p.10】 WARWICK	鄭重推薦… 華威大學

LAW SCHOOL	法學院
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(四) Paliwala教授報告

Warwick 大學法學院資深教授 Abdul Paliwala (Professor of law; Directors, LLM in IDLHR; Law Courseware Consortium; Law, Social Justice & Global Development Electronic Law Journals) 報告 University of Warwick : School of Law 【2 : 30 -3 : 00pm】(英國華威大學：法學院)

<p>【p.2】 The Value of a Masters degree - A deeper understanding of specialist areas of law - Training in key legal skills (e.g. research) - A basis for international legal practice in private organisations, government, international organisations or non-governmental organisation. Focus -Comparative and Transnational Legal Studies -Globalisation -Law in Social Economic and Political Context -Theory and Practice skills</p>	<p>碩士學位的價值 -更深一層地了解各別的法律專業領域 -訓練主要的法律技巧(例如：研究) -提供在私人單位、政府及國際機構或非政府組織從事國際法律實務工作的一個基礎訓練。 焦點 -比較法及超國界法研究 -全球化 -社會、經濟與政治脈絡下的法律 -理論及實務技巧</p>
<p>【p.3】 Postgraduate Research Degrees -PhD (3 years)-M Phil (2 years)-LLM by research (1 year)</p>	<p>研究生的「研究型」學位 -法哲學博士學位(3年) -哲學碩士(2年) -研究型法學碩士(1年)</p>
<p>【p.4】 Taught Postgraduate Degrees Taught LLMs-International Development and Human Rights-International Economic Law-Legal Education-EU Law in the</p>	<p>研究生的「授課型」學位 授課型法學碩士 -國際發展法暨人權 -國際經濟法</p>

World Economy-Corporate Law and Governance (from September 2007)	-法律教育 -世界經濟體制中的歐盟法 -公司法律與治理 (從 2007 年 9 月開課)
【p.6】 Degree Structure Core module plus 8 optional modules -Specialisations in 1 or 2 clusters -10,000 word dissertation	學位課程結構 核心單元課程 8 個選修單元課程 -可在 1 或 2 個專長群組課程中選課 -10,000 字的學位論文
【p.7】 Assessment -A portfolio of individual and group work -Essays, book reviews, case notes, draft treaties, etc. in modules	評量 -個人與團體工作的綜合評量 -研究報告、書評，個案札記，草擬條約等等在各單元課程中繳交的作業。
【p.8】 Cluster 1: Comparative Human Rights -Theories & Histories of Human Rights -International & Regional Human Rights Regimes -International Humanitarian Law, -Armed Conflict and Human Rights -Contemporary Problems in Human Rights	群組課程 1：比較人權 -人權的理論與歷史 -國際性與區域性的人權組織與制度 -國際人道法， -武裝的衝突與人權 -人權的當代問題
【p.9】 Cluster 2: Gender -Theories of Gender Justice -Gender, Law and the Global Economy -Gender, Law and Property -Women's Human Rights and Global Justice	群組課程 2：性別 -性別正義之理論 -性別、法律與全球經濟 -性別、法律與財產 -婦女人權與全球正義
【p.10】 Cluster 3: Globalisation -Approaches to Global Justice -Global Law in the Making -Technologies and Materialities of Globalisation	群組課程 3：全球化 -達成全球的正義的途徑 -發展中的全球法 -全球化的科技發展與實質重要性

-Global Politics and Law: Culture, Identity, Resistance	-全球政治與法律：文化、身分、本土抵制
<p>【p.11】</p> <p>Cluster 4: Governance</p> <p>-Global Economic Governance</p> <p>-Governance, Democratisation and Accountability</p> <p>-International Law and Global Security</p> <p>-Civil Society and Activism</p>	<p>群組課程 4: 治理</p> <p>-全球經濟治理</p> <p>-治理，民主化與責任政治</p> <p>-國際法與全球安全</p> <p>-市民社會與激進主義</p>
<p>【p.12】</p> <p>International Economic Law Three Main Themes:</p> <p>-Globalisation</p> <p>-Regulation</p> <p>-Governance</p>	<p>國際經濟法</p> <p>三個主題:</p> <p>-全球化</p> <p>-規範</p> <p>-治理</p>
<p>【p.13】</p> <p>Degree Structure Compulsory:</p> <p>-Core Course and Legal Research & Writing Skills</p> <p>-4 optional Modules</p> <p>-8,000-10,000 word dissertation</p>	<p>學位課程結構</p> <p>必修:</p> <p>-核心課程以及法學方法與論文寫作技巧</p> <p>-4 個選修單元課程</p> <p>-8,000-10,000 字的學位論文</p>
<p>【p.14】</p> <p>International Economic Law: Options</p> <p>-International Aspects of International Trade and the WTO</p> <p>-Issues in the Taxation of International Business</p> <p>-Legal Aspects of International Business Transactions</p> <p>-International Intellectual Property Law and Policy</p> <p>-International Aspects of Corporate Law & Governance</p>	<p>國際的經濟法：選修科目</p> <p>-國際層面的國際貿易與世界貿易組織</p> <p>-國際商業稅務問題</p> <p>-法律層面的國際商業交易</p> <p>-國際智慧財產權法律與政策</p> <p>-國際層面的公司法與治理</p>
<p>【p.15】</p> <p>Legal Education</p> <p>First legal education degree in the UK</p>	<p>法律教育</p> <p>第一個在英國授與的法律教育學位</p>

<ul style="list-style-type: none"> -Personal Development Programme -Experiential learning -Subject development -International -Ethics and values 	<ul style="list-style-type: none"> -個人發展課程 -經驗學習\教學實習 -主題式發展教學 -國際視野 -倫理與價值
<p>【p.16】 Legal Education</p> <ul style="list-style-type: none"> -Learning in practical teaching contexts with mentored practice -IT skills including e-learning systems 	<p>法律教育</p> <ul style="list-style-type: none"> -在教學實習中提供立即專業指導 -使用包括 e 化教學系統的資訊科技
<p>【p.17】 Compulsory Modules Learning and Practice in Legal Education</p> <ul style="list-style-type: none"> -Teaching the Law -Assessment and Evaluation -Ethics and Values in Legal Education 	<p>必修群組課程 在法律教育的學習與演練</p> <ul style="list-style-type: none"> -法律教學 -評量與計分 -法律教育中的倫理與價值
<p>【p.18】 Optional Modules</p> <ul style="list-style-type: none"> -The Law School and the State -Critical Legal Pedagogy -Curriculum Leadership in Higher Education -Legal Education and Legal Skills 	<p>必選的單元課程</p> <ul style="list-style-type: none"> -法學院與州 -批判的法律教學方法 -高等教育的課程主導 -法律教育與法律技術
<p>【p.19】 Corporate Law and Governance (from September 2007)</p>	<p>公司法與治理 (從 2007 年 9 月起)</p>
<p>【p.20】 Degree Structure Core Course</p> <ul style="list-style-type: none"> -4 optional Modules -8,000-10,000 word dissertation 	<p>學位課程結構 核心課程</p> <ul style="list-style-type: none"> -4 個選修單元課程 -8,000-10,000 字的學位論文
<p>【p.21】 Core Module-Legal personality and limited liability</p> <ul style="list-style-type: none"> -Director' s duties -Board composition 	<p>核心單元課程</p> <ul style="list-style-type: none"> -法人資格與有限責任 -董事責任

<ul style="list-style-type: none"> -Protection of minority shareholders & derivative suits -Institutional shareholder activism -Audit functions -Capital maintenance regulation 	<ul style="list-style-type: none"> -董事會組織 -少數股東的保護與衍生訴訟 -組織性的股東激進主義 -稽查功能 -資金維護管理規則
<p>【p.22】</p> <p>Optional Modules-The Regulation of Mergers and Acquisitions</p> <ul style="list-style-type: none"> -Corporate Social Responsibility -Corporate Law & Economic Activity in Europe -US Securities Legislation -UK Corporate Taxation Law 	<p>選修群組課程</p> <ul style="list-style-type: none"> -公司合併與收購規則 -企業社會責任 -歐洲公司法及經濟活動 -美國證券立法 -英國公司稅務法規
<p>【p.23】</p> <p>Optional modules from other LLMS</p> <ul style="list-style-type: none"> -International Corporate Finance -Legal Aspects of Investment & Trans-national Corporations -Issues of Taxation of International Business -Legal Aspects of International Business Transactions -European Banking & Financial Law 	<p>其他法律碩士學位的群組課程</p> <ul style="list-style-type: none"> -國際公司財政投資及跨國公司法律問題 -國際商業稅務問題 -國際商業交易的法律問題 -歐洲的金融與財政法
<p>【p.24】</p> <p>EU Law in the World Economy</p> <ul style="list-style-type: none"> -The European Union in the Global Economy -Regulation -Governance 	<p>世界經濟體中的歐盟法</p> <ul style="list-style-type: none"> -全球經濟體中的歐盟 -管理規則 -治理
<p>【p.25】</p> <p>The EU in the Global Economy</p> <ul style="list-style-type: none"> -The EU & world trade -EU institutions, law & policy -Environment, pensions, migration, external relations, banking law & labour law -The EU and global institutions: the 	<p>全球經濟體中的歐盟</p> <ul style="list-style-type: none"> -歐盟及世界貿易 -歐盟機構、法律及政策 -環境、退休金、移民、外交關係、銀行法及勞動法 -歐盟與全球機構：國際貨幣基金

IMF, World Bank, WTO, NAFTA -Transnational corporations	會、世界銀行、世界貿易組織、北美自由貿易協定 -跨國公司
【p.26】 Regulation -Banking, pensions, labour & the environment-Comparative approaches to competition, financial markets, and taxation Convergence through the UK regulatory framework and economic liberalisation	管理規則 -金融、退休金、勞動與環境 -競爭、財政市場與稅務法規的比較研究 -英國法規體制與經濟自由化的融合
【p.27】 Degree Structure Compulsory: -2 Core Modules -4 optional Modules -8,000-10,000 word dissertation	學位課程結構 必修： -2 個核心單元課程 -4 個選修單元課程 -8,000-10,000 字的學位論文
【p.28】 Governance -Multilateral frameworks for foreign investment -Globalisation, corporate finance & governance, taxation, and the environment -National regimes for foreign investment -Human rights	治理 -外國投資的多邊架構 -全球化、公司財政及治理、稅務與環境 -利於外國投資的國家體制 -人權
【p.29】 Core Module 1 -The main inter-governmental economic organisations-EU governance, policy making and development strategies	核心單元課程 1 -主要的政府間經濟組織 -歐盟治理、政策制定與發展策略
【p.30】 Core Module 2 -Overview of the main EU inter-governmental economic organisations-The international legal process from a private and public law	核心單元課程 2 -主要歐盟政府間經濟組織總覽 -國際法律程序的公法與私法觀點

perspective	
<p>【p.31】 Optional Modules: -European Labour Law & Social Policy -European & International Aspects of Pensions -European Banking & Financial Law -European Private International Law -Migration & Refugee Law -EU Law & the Environment</p>	<p>選修群組課程： -歐洲勞動法及社會政策 -歐洲與國際層面的撫恤金問題 -歐洲的金融與財政的法律 -歐洲的國際私法 -移民與難民法 -歐盟法與環境</p>
<p>【p.32】 Postgraduate Admission Requirements -Upper second honours degree or equivalent -Good lower second or equivalent and relevant work or other practical experience in appropriate circumstances -English</p>	<p>研究所入學許可取得條件 -大學畢業成績「B+」以上或同等級之成績 -在適當的情形下，好的「B-」或同等級之成績且有相關工作或實務經驗 -英語成績【IELTS 7.0】</p>
<p>【p.33】 Postgraduate Fees -Tuition Fees 2006/07 £8,950 Living costs (est.) £6,000 - 7,000</p>	<p>研究所花費 【一年大約 100 萬台幣】 -學費 2006 年 7 月 £ 8,950 英鎊 【×60=台幣】 -生活費 (est.) £ 6,000- 7,000 英鎊</p>

(五) Paliwala教授報告

Abdul Paliwala 教授 (Professor of Law; Directors, Law Courseware Consortium, Electronic Law Journals; Senior IT Consultant, UKCLE) 報告 Integrating e-Learning in Warwick Law School (融入英國 Warwick 大學法學院的 e 化教學)【2:00 - 2:30pm】

Blended Learning Effective independent Learning requires not standalone lessons, but an integrated environment which blends e-	融合教學 有效且獨立的教學需要獨立的課程，而融合 e 化教學與私人接觸的學習提供整合的學習環境
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and personal contact learning	
<p>Imagination</p> <p>Technology will not in itself create good courseware. Good eLearning depends on the educational imagination of the teacher</p>	<p>想像力</p> <p>科技本身無法創造優良的教學軟體。e 化教學的品質取決於教師從事教育的想像力。</p>
<p>Collaboration</p> <p>E-Learning Requires Human and Financial Resources which can best be provided by international collaboration.</p> <p>Examples:</p> <p>Iolis Multimedia Courseware</p> <p>TLE - UKCLE Transactional Learning</p>	<p>合作</p> <p>e 化教學的發展需要人力及財力資源，該資源之最佳提供管道即是透過國際合作。</p> <p>例如：</p> <ol style="list-style-type: none"> 1. Iolis 多媒體教學軟體 2. 英國教育中心的「交易實務學習環境」方案
<p>Warwick eLearning</p> <p>Resource Based</p> <p>There is a Website for each course</p> <p>e Resources in Library</p> <p>Iolis Law Courseware</p> <p>Conversational</p> <p>Iolis Feedback</p> <p>Web Discussion forums</p> <p>Multimedia Lecture Rooms</p> <p>Transactional</p> <p>UKCLE TLE Environment</p>	<p>Warwick 大學的 e 化教學</p> <p>以資源提供為教學基礎</p> <p>每一門課都有一個專屬網站</p> <p>圖書館裡的 e 化資源</p> <p>Iolis 法律教學軟體</p> <p>對話的教學</p> <p>Iolis 的反饋功能</p> <p>網站討論區</p> <p>多媒體教室</p> <p>交易實務的學習</p> <p>英國教育中心的「交易實務學習環境 (TLE)」方案</p>
<p>Course Websites</p> <p>Course Outlines & Instructions</p> <p>Links to Online Material</p> <p>Students have access to web material or scanned text as appropriate</p> <p>Links to Law Library Web Resources</p> <p>These include databases such as LEXIS/WESTLAW and a wide range of commercial and free ejournals and lists of specialist websites</p> <p>Discussion Forum</p>	<p>Warwick 大學的 e 化教學</p> <p>課程大綱及課程介紹</p> <p>連結線上資料</p> <p>學生可使用網路資料或合法掃描的文件</p> <p>連結法律圖書館網路資料</p> <p>包括 LEXIS 及 WESTLAW 資料庫、種類多元的付費或免費網路期刊以及各類專業網站清單</p> <p>網站討論區\網站論壇</p> <p>-- 作為學生上傳課堂討論報告與</p>

<p>Used for reports from class discussions and for student discussions</p>	<p>課後討論報告之用</p>
<p>The Classroom</p> <p>Each lecture room at Warwick automatically linked to internet + audio and video facilities</p> <p>Lecturer does not only use powerpoint but also uses internet resources to bring up articles, cases, audio and video clips etc.</p> <p>Students make classroom presentations using the same devices.</p>	<p>教室</p> <p>每一間 Warwick 大學的教室都自動連結到網際網路並且有視聽設備</p> <p>授課者不僅適用 ppt 也使用網際網路上可取得的文章、司法裁判以及其他視聽夾帶資料</p> <p>學生亦使用相同的資源製作課堂報告。</p>
<p>Courseware: Iolis</p> <p>Nationwide collaborative project led by Warwick. Covers most LLB courses and distributed to UK Law Schools</p> <p>Lecture notes, text of cases & laws, multimedia illustrations and exercises woven into a hypertext integrated learning conversation between courseware and student.</p> <p>Conversational element is feedback in response to answers</p> <p>Authors may develop their own approach to teaching by selecting from a wide range of interactions</p> <p>Course teachers can customise Iolis within their own learning / teaching through 'comment' facility or links to their website</p>	<p>教學軟體：Iolis</p> <p>Iolis 乃由 Warwick 大學領軍的全國性合作方案所完成的教學軟體，其內容包括大部分的法學士（LLB）課程</p> <p>Iolis 綜合應用課堂筆記、法律及裁判全文、多媒體圖解或例釋以及練習題編寫成超連結文字檔，並且融入教學軟體與學生的教學對話之中。* *</p> <p>教學軟體與學生間產生對話的要素在於教學軟體對於學生的答案給予回饋的意見</p> <p>編寫者可以利用多樣化的互動功能去發展適合自己課程的教學方法</p> <p>授課教師可以藉由「評論」功能或透過個人網站去了解學生需求並且編寫適合修課學生的 Iolis 教材</p>
<p>Live Demonstration of Iolis</p> <p><u>Transactional Learning: TLE</u></p> <p>Warwick Law School is part of the TLE project described by McKellar and</p>	<p>Iolis 現場展示</p> <p><u>「交易實務學習環境」方案</u></p> <p>正如 McKellar 所言，Warwick 大學是「交易實務學習環境」方案的</p>

Johnson.	主導者之一
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* 本文取 e-learning 之操作意義而譯為「e 化教學」。蓋 e-learning 乃在教學方法 (pedagogy) 上強調以學生之「學習 (learning)」為本位之教學理念，亦即：為達「學」之目的而「教」。e-learning 即指在教學中特別強調學生 learning 的目的本質。教學者應用資訊科技的種種功能，將知識生動活潑地呈現在問題導向的線上課程中供學生自由選擇。因此，教學的目的不再是直接傳授教師個人的權威知識，而是協助學生在提問與思考的反覆練習中主動獲取知識。

* 有關 e 化教學，詳請參閱 Abdul Paliwala、施慧玲合著，The Development and Application of E-Learning in Law - Some Experiences from Iolis 【法律 e 化教學之發展與應用 - Iolis 教學軟體之經驗分享】，中正大學法學集刊，第 19 期，2006 年，頁 201-244。

(六) McKellar 教授報告

Patricia McKellar (E-Learning Advisor) 【2:00 - 2:30pm】報告：
UKCLE and E-Learning: State of the Discipline, State of the Art (法律教學與 e 化教學：專業學門的發展，藝術領域的開創)

<p>【p.2】 Some current UKCLE funded e-learning projects</p> <ul style="list-style-type: none"> • Transactional Learning Environments • E-portfolios • VLE project 	<p>一些目前的「英國教育中心」贊助的 e 化教學方案</p> <ul style="list-style-type: none"> • 交易實務學習環境 (TLE) • 電子公事包\公事包 • 虛擬學習環境 (virtual learning environments VLE) 方案
<p>【p.3】 Characteristics of TLE</p> <ul style="list-style-type: none"> • Active learning • The practical realities of transactions forming the basis of learning • Opportunities to reflect on learning • Collaboration (both within and across virtual firms of 4 students per firm) • Process, or holistic, learning • Immersion in professional role-play • Task authenticity 	<p>交易實務學習環境 (TLE) 的特性 主動學習 以交易實務上的現實經歷作為學習的基礎 提供反思學習效果的機會 合作(分派在每個虛擬法律事務所的 4 個學生彼此間以及各事務所互相間的合作) 法律程序的學習或功能性的全面學習 融入專業角色扮演 任務確實性的要求</p>

<p>【p.4】 Transactional Learning Environment <u>Ardcalloch: Transactional Learning Environment (TLE)</u></p> <ul style="list-style-type: none"> • students engage in year-long collaborative learning in virtual firms on seven substantial projects • they use f2f meeting (logs), activity logs, personal logs, intranet discussion forums as chat rooms, drafts folders, correspondence folders and style banks 	<p>交易實務的學習環境 <u>Ardcalloch 虛擬城市：交易實務學習環境 (TLE)</u></p> <p>學生參與執行為期一年的七個實質方案，在虛擬法律事務所中進行協力合作的學習</p> <ul style="list-style-type: none"> • 他們使用 f2f 會議 (日誌)、活動日誌、個人日誌，並藉由區域網路的公共討論區作為聊天室、草稿公事包、通信公事包以及風格銀行
<p>【p.17】 Blended Learning with webcasts and transactional learning: Civil Procedure Module Webcasts Tutorials On-line TLE Group Project</p>	<p>網路直播及交易實務學習的融合學習： 民事程序群組 網路直播 (課程) 個別指導 線上交易實務學習 (TLE) 團隊工作方案</p>
<p>【p.21】 student feedback Paperworld student</p> <ul style="list-style-type: none"> • Preferred f2f lectures • Didn't use learning tools in the CD or online environment • Used books, not e-resources • Took verbatim notes from the webcasts • Only listened to the webcasts once <p>E-world student</p> <ul style="list-style-type: none"> • Comfortable using the webcast environment • Used online information • Used a word-processor to type notes • Viewed and reviewed the webcasts • Used the learning tools, eg speak-fast button <p>We found that most students adopted a position somewhere along the spectrum of these two poles, and the position was</p>	<p>學生的反應\回饋 <u>「紙上作業」的學生</u></p> <ul style="list-style-type: none"> • 偏好 f2f 授課課程 • 不使用 CD 或線上學習工具 <p>僅收聽一次網路直播</p> <p><u>「線上作業」的學生</u></p> <ul style="list-style-type: none"> • 輕鬆使用網路直播 • 使用線上資料 • 使用文書處理機鍵入筆記 • 一次又一次地收聽網路直播課程 <p>使用 (網路) 學習工具，例如：快速說話 (課程快轉) 按鈕</p> <p>我們發現大多數的學生都處於「紙上作業」與「線上作業」的兩級光譜之間，每個學生的落點取決於該生使用</p>

variable depending on purpose of use.	學習工具的目的。
<p>【p.23】</p> <p>Civil Court Action Project Sheriff Clerk Pursuer Firm Defender Firm</p>	<p>民事法庭訴訟方案 法院書紀員 「主動出擊」的法律事務所 「為被告辯護」的法律事務所</p>
<p>【p.30】</p> <p>Sieberdam…</p> <ul style="list-style-type: none"> • KODOS Group, inter-university grouping, have developed an environment similar to Ardcalloch • GGSL is liaising with them on an international project on IP in the Diploma, involving Glasgow students and Dutch Business students in Rotterdam’ s Business Faculty. 	<p>Sieberdam…</p> <p>KODOS 組織--大學聯盟團體,已經發展出類似 Ardcalloch (虛擬城市)的環境</p> <ul style="list-style-type: none"> • GGSL 與 KODOS 合作進行一項智慧財產權學位課程的國際方案,修習該課程者包括格拉斯哥大學的學生和鹿特丹商務學院的荷蘭學生。
<p>【p.33】</p> <p>TLE 2.0: large-scale implementation of innovative technologies</p> <ul style="list-style-type: none"> • Transactional Learning Environment (TLE) 2.0 • Development & use of suite of TLE 2.0 tools in in three law schools in England & Wales • £200,000 principal funding by UKCLE and JISC • £2500 additional funding from BILETA. • Dissemination of TLE 2.0 as a fully-functioning environment, free, to interested parties in HE and FE. <p>Dissemination of evaluation results at conferences and in papers to be published in peer-reviewed journals and as book chapters.</p>	<p>線上交易實務學習 TLE 2.0 版: 創新科技的大規模應用</p> <ul style="list-style-type: none"> • 交易實務學習環境 TLE 2.0 版在英格蘭及威爾斯有三個法學院發展並使用 TLE 2.0 套裝軟體作為教學工具 <p>其所需經費中有 £ 200,000 來自主要贊助者英國教育中心及 JISC</p> <p>另外 £ 2500 來自「大英及愛爾蘭科技法律協會 (British and Irish Law Education and Technology Association)」。</p> <p>TLE 2.0 完整版免費提供給有興趣的大學部與研究所學生使用。評估結果也藉由研討會議、各種經審查出版之期刊論文或專書論文出版及散佈。</p> <p>TLE 2.0 版之後續方案: 該方案的廣泛應用與傳播; 在 LTDU 中進一步發展 TLE; 至少在 2008 年 1 月後的三年間</p>

<ul style="list-style-type: none"> • Post-project: dissemination of project applications; further development of TLE within LTDU; archiving of all project documentation on the project website for a minimum of three years <i>post</i>-January 2008. • Integrated interdisciplinary projects • TLE 2.0 leads to TLE 3 - see other 3-D simulations: 	<p>將該方案所有相關資料文件在 TLE 2.0 網站上散播。 整合的跨學科方案 從 TLE 2.0 發展到 TLE3 - 參見其他的 3 -D 模擬方案：</p>
<p>【p.34】 e-portfolios</p> <ul style="list-style-type: none"> • A structured collection of <i>evidence</i> • Belongs uniquely to an individual • Draws the evidence together into a <i>coherent</i> tale of learning <p style="text-align: right;"><i>(David Baume, 2001)</i></p>	<p>電子公事包</p> <ul style="list-style-type: none"> • 個案證據的體系化採集 • 專屬於個人 • 將所有證據緊密地嵌入供學習之用的個案情節中 <p style="text-align: right;"><i>(David Baume, 2001)</i></p>
<p>【p.35】 the e-Portfolio Project Objectives of Project; to discover:</p> <ul style="list-style-type: none"> • Is there a place for portfolios within legal education, the legal profession and professional qualification? • Are there any specific issues about legal education and practice that we need to consider? • Do portfolios provide an additional dimension to vocational legal education and training that is currently missing, or are they just more work and a passing fad? 	<p>電子公事包 (e-Portfolio) 方案 方案目標在於發現：</p> <p>電子公事包在法律教育、法律執業及法律專業資格取得等各方面是否有用處？</p> <p>在法律教育和執業方面我們需要考慮任何特定議題嗎？</p> <p>電子公事包可以補充目前在職法律教育和訓練課程的不足嗎？或者只是徒增工作並且是一時流行的電子工具罷了？</p>
<p>【p.36】 outputs</p> <ul style="list-style-type: none"> • to develop a model which will allow students to create a personal e-portfolio which will follow them through their undergraduate, post graduate and professional lives to include their training, CPD and any subsequent academic qualifications. • Sufficiently adaptable design to 	<p>輸出</p> <p>發展一個可供學生創造個人電子公事包的模型，跟隨他們從大學、研究所到包括受訓、實習乃至所有專業證照的執業生活。</p> <p>提供充分適應法律學生需求的設計，這些學生不但可能進入法律專業場域，也可能選擇與法律相關的事業或</p>

<p>accommodate law students who seek not only to enter a professional legal career but also those who choose a legally related route or other professional career.</p>	<p>從事其他專業。</p>
<p>【p.37】 Partners <ul style="list-style-type: none"> • Glasgow Graduate School of Law Pilot project; bespoke VLE; p/g • Oxford Institute of Legal Practice e-portfolio application; open source VLE; p/g • University of Westminster new project; proprietary system VLE; u/g </p>	<p>合夥人 <ul style="list-style-type: none"> • <u>格拉斯哥法律研究所</u> 試行方案；專案設計的「虛擬學習環境」；供研究生使用 <u>牛津法律執業學院</u> 可申請使用電子公事包；開放使用「虛擬學習環境」；供研究生使用 <u>西敏寺大學</u> 新方案；享有專利的「虛擬學習環境」系統；供大學生使用 </p>
<p>【p.46】 VLEs in legal education UK Law Schools Survey 2004 <ul style="list-style-type: none"> • BILETA survey of ICT provision • Most law schools use VLEs • Only a minority customise VLEs • Main use of VLEs - as resources archive • 1/3 use VLEs for coursework submission • 1/5 use VLEs for discussion/conferencing • Few use VLEs for plagiarism detection </p>	<p>法律教育中的虛擬學習環境 VLEs <u>英國法學院調查報告 2004</u> 大英及愛爾蘭科技法律協會 (BILETA) 針對各法律學院之資訊與通訊科技 (ICT) 設備的調查報告 大部分法學院都使用虛擬學習環境 (VLEs) 只有少數法學院為學生量身訂作 VLEs VLEs 的主要使用目的：當做資料庫 1/3 學生使用 VLEs 作課堂作業 1/5 學生學生使用 VLEs 討論或 研討之用 少數學生學生使用 VLEs 的抄襲偵測功能</p>
<p>【p.49】 The UKCLE VLE Project <u>Aims and Objectives</u> <ul style="list-style-type: none"> • Obtain case studies from UK law school websites covering both undergraduate and professional legal education. </p>	<p>英國教育中心 (UKCLE) 的虛擬學習環境 (VLE) 方案 <u>主旨及目的</u> 從英國各法學院網站取得包括大學部及專業法律教育的案例研究資料。</p>


<ul style="list-style-type: none"> • Co-design a project website for UKCLE and BILETA sites • Populate, and set up a procedure for authors to create and maintain case-study web pages. • Provide a set of guidelines into VLE best practice • Website: www.ukcle.ac.uk/VLE 	<p>聯合設計一個英國教育中心和 大英及愛爾蘭科技法律協會共用的 方案網站，鼓勵參與並且訂定編 寫程序，以方便網頁編寫者建 立並維護其案例研究網頁。</p> <p>提供善用「虛擬學習環境（VLE）」 的一套指導方針</p> <p>網站：www.ukcle.ac.uk/VLE</p>
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[p.5]

Ardcalloch
1000 Years of History

Nestling on the banks of the Clyde, Ardcalloch is one of Scotland's fastest growing high-tech communities. With almost every business in town on the web, and a wireless digital community exchange, Ardcalloch is leading the way in its use of the web to enhance its community.

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How To Use

Click on a company's building to visit their web site

[p.6]

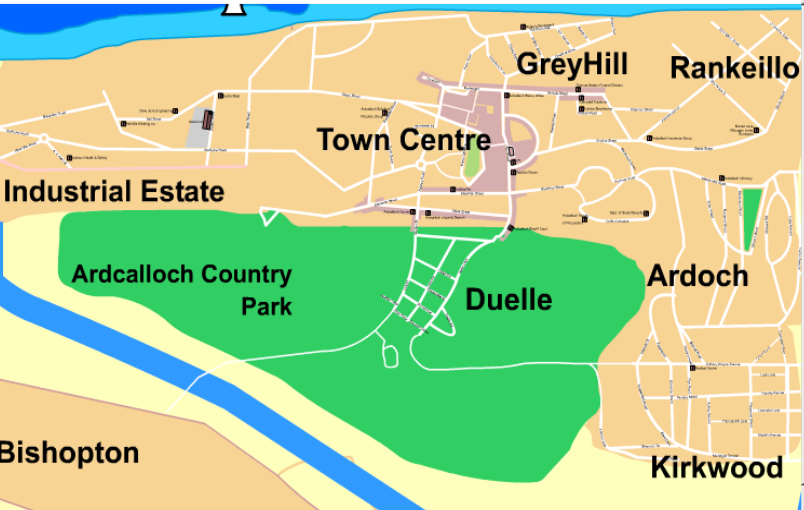
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Ardcalloch
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Duelle

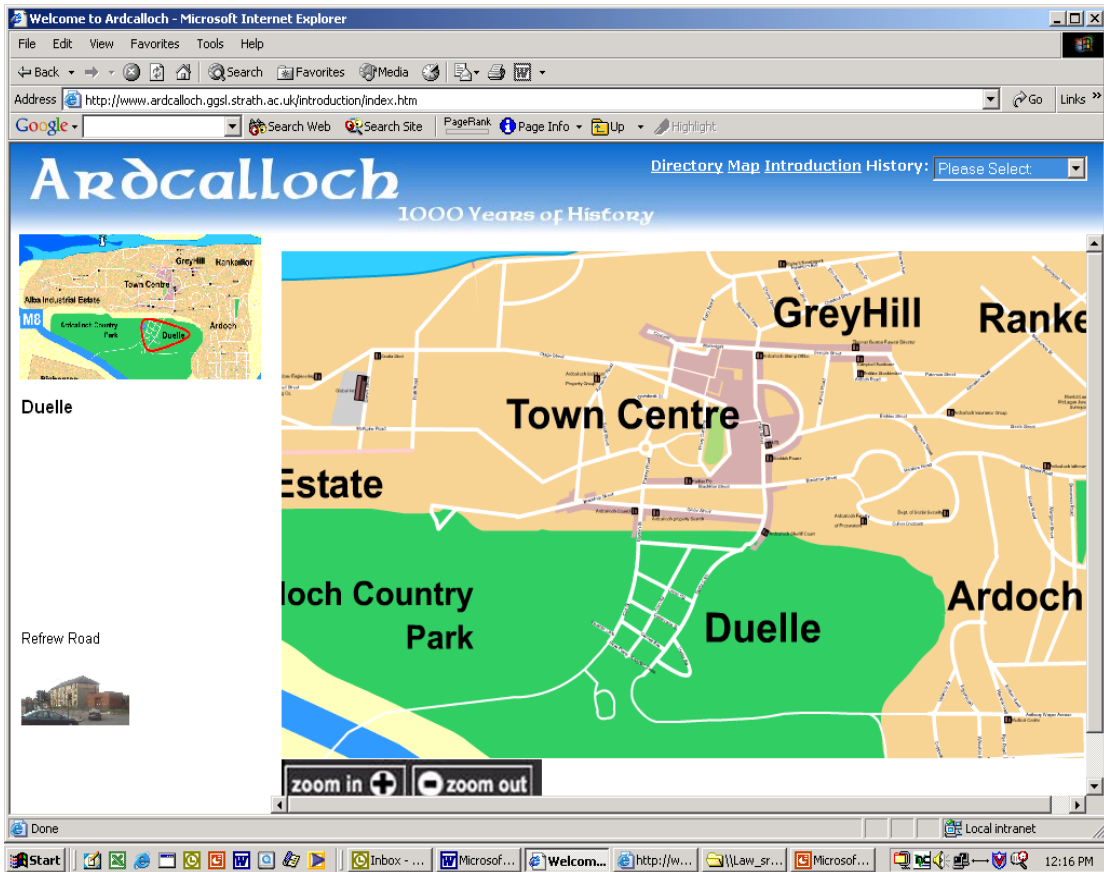
Refrew Road

zoom in (+) zoom out (-)

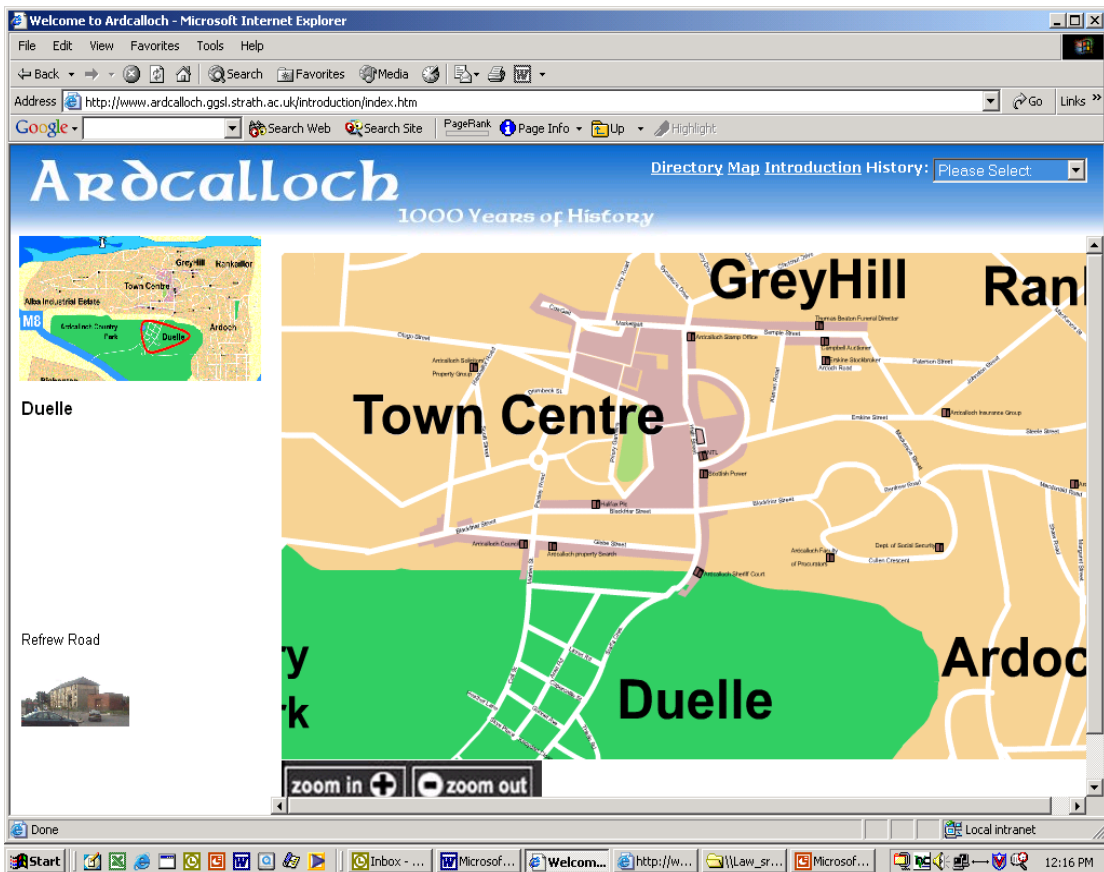
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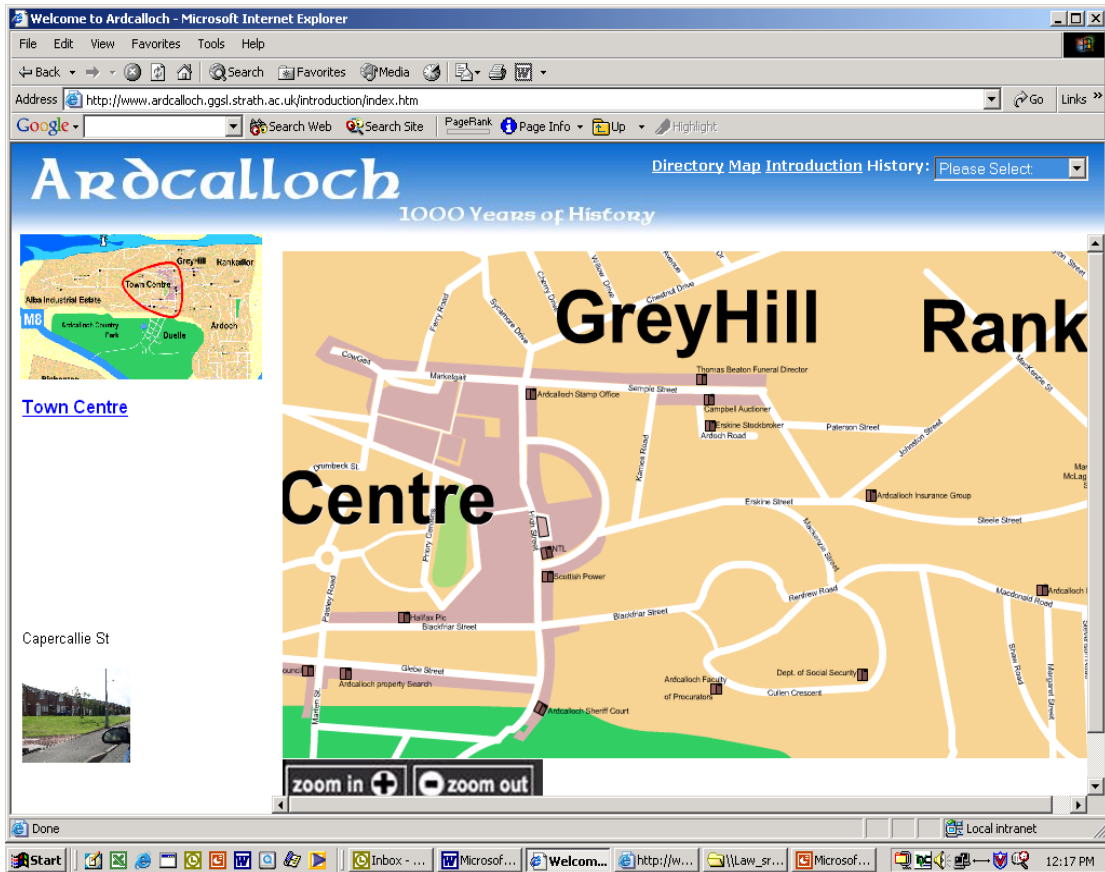
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[p.7]

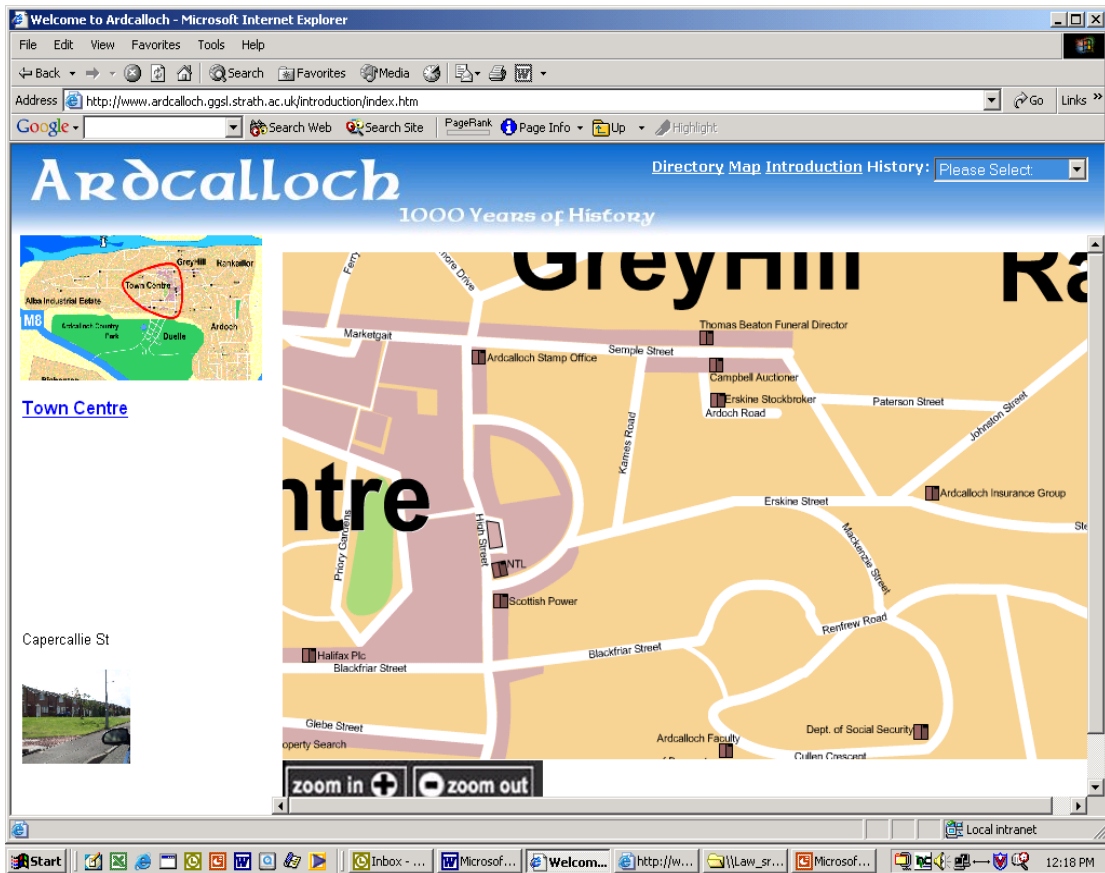


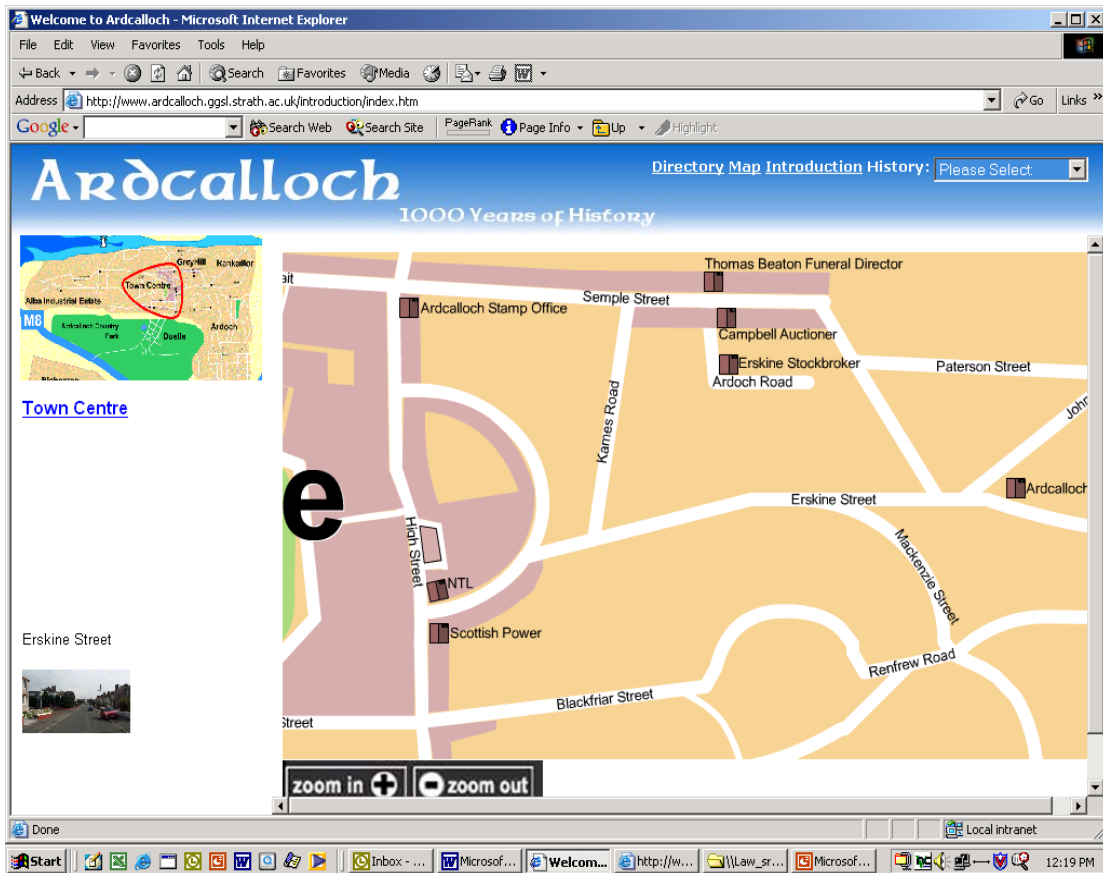
[p.8]





[p.10]





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【p.14】



Ardcalloch Sheriff Court

Sheriffdom of North Strathclyde

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Welcome to the

Ardcalloch Sheriff Court

Today's Business

Barr v Potter (Court 1)

Rigg v Ardcalloch Savings Bank (Court 3)

Auld v Corrigan (Court 2)

Tom Thumbs Bar v Basic Beers (Court 4)





Time to Pay Directions at Ardcalloch Sheriff Court

At Ardcalloch Sheriff Court Time to Pay directions in Ordinary actions will only be required in cases which seek payment of a sum less than £10,000. In cases of £10,000 and above then no time to pay direction need be requested.

This notice only applies in Ardcalloch Sheriff Court and is subject to change.

Anyone raising an action in any other Sheriff Court in Scotland is advised to check

Alexander, Anderson & Brown

14 Paisley Road

- About Us
- Our People
- Practice Areas
- Career Development
- Terms of Engagement
- Contact Us
- Useful Links
- Online Publications
- Intranet


About us


The firm was founded on the principle that to succeed, it must attract and retain lawyers who are committed to the highest levels of service and professionalism. The firm's commitment to excellence is the primary reason it has grown from 5 lawyers to over 25 lawyers today. During that time, we have expanded to include Glasgow, Edinburgh and Aberdeen offices, so that we can provide our clients with countrywide representation in many facets of litigation, personal and business law.

Our client base has grown rapidly since the firm was first started, principally because we recognize the need to become partners with our clients on all important decisions and to ensure that these decisions are consistent with clients' larger needs.

We have a reputation for being proactive, creative and innovative, both in our approach to providing legal services and in the way our firm is managed. It's a tradition we plan to continue, for the benefit of our clients and our firm.

Blake & Associates




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- Home
- Conveyancing Purchase
- Conveyancing Sale
- Personal Injury
- Private Client
- Civil Court Action

- Practice Management
- Log Book

Modify This Workspace ▾

 **trainee notice board**

* Use this area to communicate with other student members of the firm.

Tomorrow's meeting !NEW @ 21/12/2004 14:11

by Karen Barton

I've drawn up an agenda for tomorrow's meeting - attached.

See you then


PI - Negotiation with other side !NEW 21/12/2004 14:07


by Karen Barton

I've been in touch with other side and have arranged a f2f negotiation on Wednesday. Can we meet tomorrow at 9am to go through our plan together?

Add new announcement

- Ardcalloch Town
- Firm Website
- Interview Room TEST!!!



 **firm diary**

< January 2005 >

Mon	Tue	Wed	Thur	Fri	Sat	Sun
27	28	29	30	31	1	2
3	4	5	6 Firm Meeti...	7	8	9
10 Planning ...	11	12 Review P...	13	14	15 Practice M...	16

41

【p.18】

senior lecturer
Patricia McKellar

diploma in legal practice : civil
webcasts: Civil Procedure

close webcast

Procedure pre Options Hearing

- Preliminary Pleas- Note of basis of plea to be lodged 3 days before the Options Hearing
- Record- pleadings in one document- prepared by Pursuer- lodged 2 days prior to Options Hearing

Running Time : 30:32

2003 :: learning technologies development unit

【p.19】

senior lecturer
Patricia McKellar

diploma in legal practice : civil
webcasts: Civil Procedure

close webcast

external resources menu - select from the options below

Home Web Links Ordinary Cause Rules Lecture Slides Statutes Case Law Westlaw BAILII Documentation

Documentation : Small Claims

[Small Claim Summons](#)

Small Claims Guidance Notes

- [1. What is a Small Claim?](#)
- [2. Taking a Claim to Court](#)
- [3. Responding to a Claim](#)
- [4. Going to Court](#)

Small Claims Forms

Running Time : 15:00

2003 :: learning technologies development unit

Civil Advocacy & Pleadings

Options Hearing
Background and Scenario

Simpson v McArthur

The legal background to this motion is relatively straightforward. You will find the relevant papers in your Civil Advocacy & Pleadings Diploma materials.

Remember that at an Options Hearing the Sheriff, in terms of the rules, will be seeking to expedite the progress of the case. He will be expecting the Record to be closed and unless there are any preliminary pleas, to fix a Proof.

[Click here to view](#)

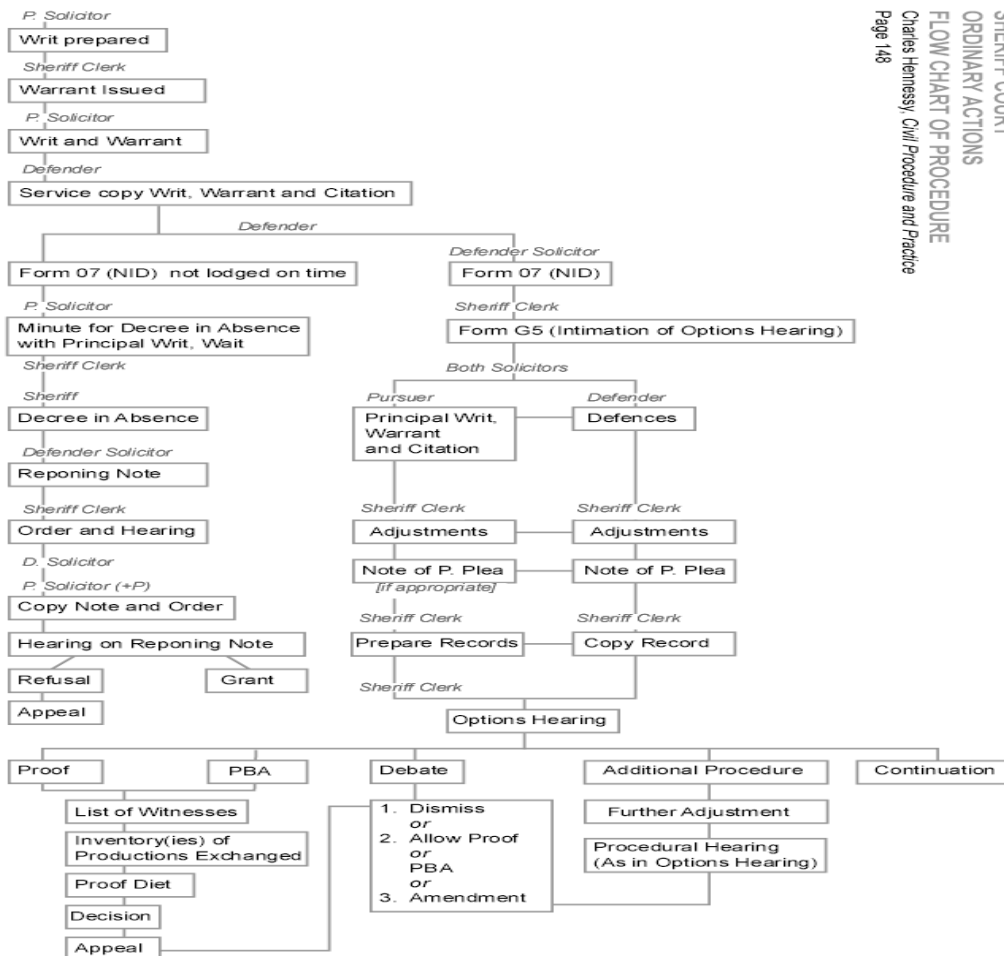
Once you have viewed the clip, try to summarise the pursuer's agent's strategy here. Roll the pointer over [this link](#) once you have thought about this.

Learning Outcomes

previous next
 Launch Microsoft Word

→ Motion : Decree by Default → Options Hearing → Motion : Discharge of Proof
exit

GLASGOW GRADUATE SCHOOL OF LAW



Carvill, Darroch & Charnley

Home Personal Injury Private Client Conveyancing Purchase Conveyancing Sale **Civil Court Action**

Practice Management Log Book Self and Peer Assessment Form International Commercial Project Modify This Workspace

instructions drafts create new

Title	Subject	Sender	Recipient	Date Created
Inter-Firm Communication	Record		sheriffcourt.gov.ardcalloch	03/03/2006 09:53:50
VCA-Defences Assessment Feedback	Rule 22 Note		sheriffcourt.gov.ardcalloch	02/03/2006 12:02:09
Memo from Senior Partner 8 Feb	Letter to Client			20/02/2006 20:23:45
URGENT MEMO	Memo			17/02/2006 13:48:52
VCA-Initial Writ Assessment Feedback	MEMO TO SENIOR PARTNER			07/02/2006 13:09:31
VCA-Initial Writ Assessment Feedback	letter to K Smart			06/02/2006 13:43:37
Memo				

interfirm communication update correspondence

Subject	Sender	Recipient	Date Created
Record		sheriffcourt.gov.ardcalloch	03/03/2006 09:53:50
Rule 22 Note		sheriffcourt.gov.ardcalloch	02/03/2006 12:02:09
Letter to Sheriff Clerk - Defences	AlexanderAndersonBrown.lawyer.ardcalloch	CarvillDarrochCharnley.lawyer.ardcalloch	27/02/2006 12:11:11

notes to file

Subject

- Subject : adjustments (1)
- Subject : Initial Writ (1)
- Subject : march 2nd meeting (1)

【p.25】

Virtual Court Action Tutor Workspace Home

Hello DS\jgs04163 , welcome to the Virtual Court Action Tutor Workspace.

These are the Firms that you are managing:

Firm 2

Carvill, Darroch & Charnley

- Firm Information
- Sheriff Clerk View
- Correspondence File
- Release materials
- Firm Environment (opens in new window)
- Mark Assessment 1

Assessments

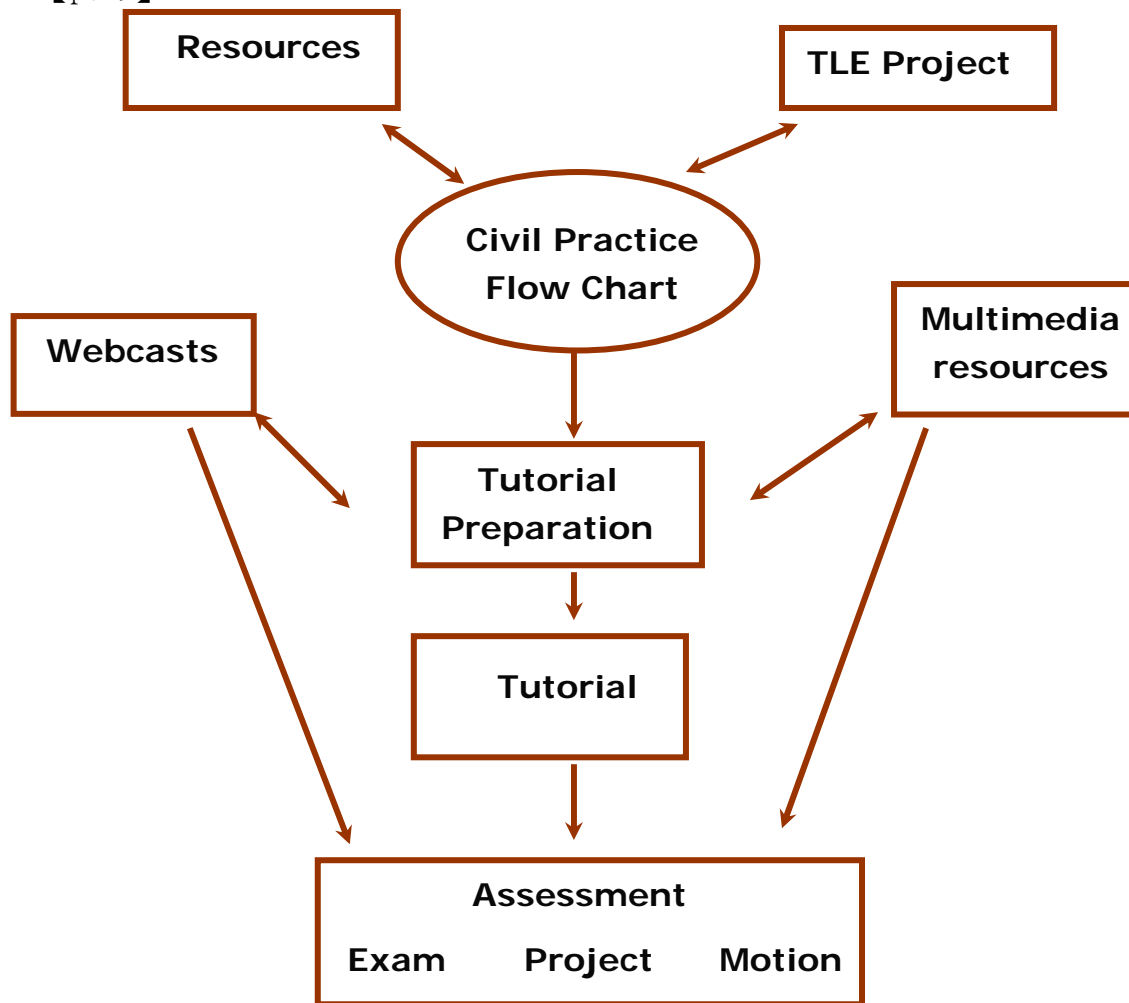
- Pursuers-Initial Writ
- Defenders-Notice of Intention to Defend

Sheriff Clerk View

Pursuing Firm	Operations	Defending Firm
Carvill, Darroch & Charnley:2		Alexander, Anderson & Brown:1
Record Rule 22 Note Letter to Sheriff Clerk - Defences Letter to Client Futher Info. Memo options hearing test item MEMO TO SENIOR PARTNER MEMO TO SENIOR PARTNER letter to K Smart letter to K Smart letter to K Smart letter to K Smart warrant INITIAL WRIT initial writ E200 INITIAL WRIT Statement	<- ->	agreement Letter to client Letter to Sheriff Clerk - Defences Further Info. Letter to Sheriff Clerk - Defences options hearing Letter to Sheriff Court (NID + E200) Letter to Sheriff Court (NID + E200) test item test item Statement letter to K Smart

Site Settings		Up to Diploma in Legal Practice		
DLP - Discussion Forums CCA Discussion: 2006		<input type="text"/> <input type="submit" value="Go"/>		
Discussion	Thread	Started By	Replies	Last Post
New Discussion	lodging documents	Philip Etherson	1	Thursday, March 02, 2006 13:16 by Karen Barton
Thread Index	Record	Darina McAlpine	1	Thursday, March 02, 2006 10:25 by Patricia McKellar
Latest Posts	Timescale	Christopher Young	1	Wednesday, March 01, 2006 15:30 by Patricia McKellar
Actions	Lodging a rule 22 note and productions	Amanda Benstock	1	Wednesday, March 01, 2006 12:46 by Patricia McKellar
<input type="checkbox"/> Add to My Links	Lodging a Rule 22 Note	Amanda Benstock	2	Wednesday, March 01, 2006 16:25 by Catriona Hunter
<input type="checkbox"/> Alert me	Adjustments	Gemma Moncrieff	1	Wednesday, March 01, 2006 12:44 by Patricia McKellar
<input type="checkbox"/> Modify settings and columns	File	Peter Walsh	1	Tuesday, February 28, 2006 17:15 by Karen Barton
	G6	Darina McAlpine	1	Tuesday, February 28, 2006 17:09 by Karen Barton
	Late defences	Victoria Wilson	1	Wednesday, February 22, 2006 9:59 by Karen Barton
	IT failure	Christopher Young	3	Thursday, February 23, 2006 16:50 by Karen Barton
	Witness statement	Darina McAlpine	1	Tuesday, February 21, 2006 12:39 by Karen Barton
	Defences	Kirsten McLellan	1	Monday, February 20, 2006 14:12 by Karen Barton
	Rule 22 Note	Mark Allison	1	Friday, February 17, 2006 8:52 by Karen Barton
	lodging principal writ	Darina McAlpine	1	Friday, February 17, 2006 8:50 by Karen Barton
	Defences	Kirsten McLellan	1	Tuesday, February 14, 2006 17:02 by Karen Barton
	Engagement	Christopher Young	1	Monday, February 13, 2006 14:44 by Karen Barton
	Court Fee	Kirsten McLellan	1	Thursday, February 09, 2006 10:49 by Karen Barton
	Court fee	Ruth Richardson	2	Thursday, February 09, 2006 11:14 by Karen Barton

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【p.31】

Simulation Home - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://rocs.uvt.nl/simulation/


Google rocs sieberdam

Sieberdam/ROCS Productieserver v1.0.4 Welcome, KODOS Licensing Project 2 Members online Your Account

Main Site > Simulation

Simulation Home

- Simulation Home
- [Yellow Pages](#)
- [Sieberdam History](#)
- [CityBuild](#)
- [SimBuild](#)
- [SimInst](#)
- [SimPlay](#)
- [Sieberdam/ROCS Info](#)
- [Sieberdam/ROCS Availability](#)
- [Contact Info](#)
- [Colophon](#)



【p.32】

Simulation Home - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://rocs.uvt.nl/simulation/


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Sieberdam/ROCS Productieserver v1.0.4 Welcome, KODOS Licensing Project 2 Members online Your Account

Main Site > Simulation

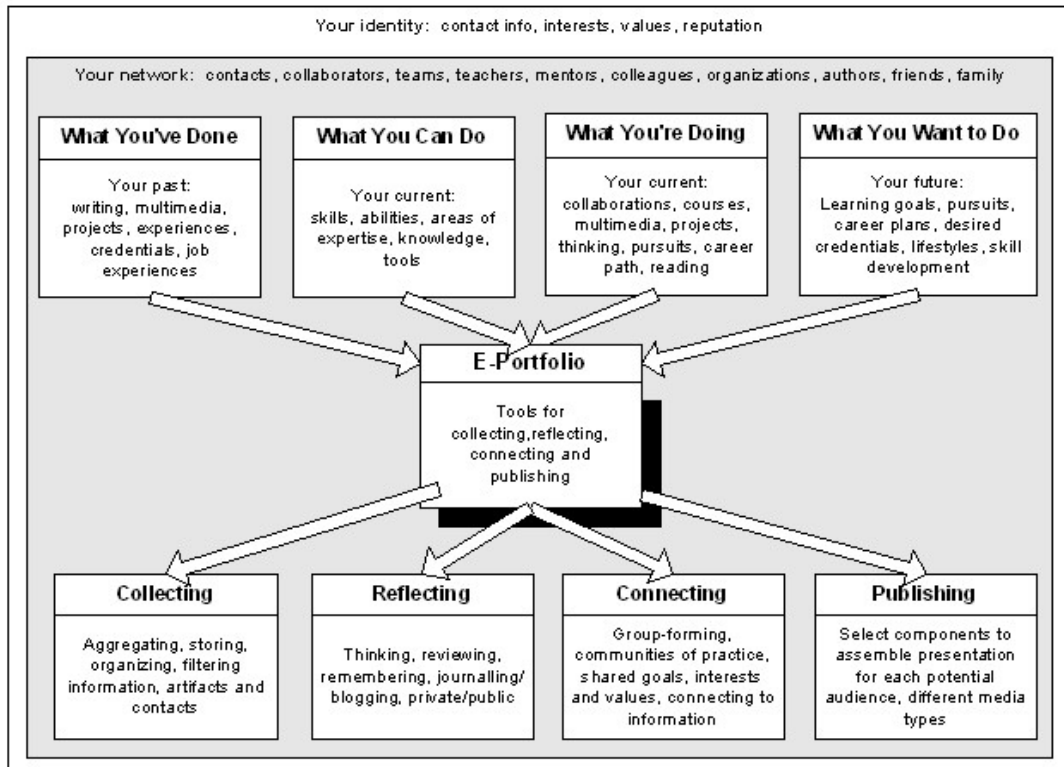
Simulation Home

- Simulation Home
- [Yellow Pages](#)
- [Sieberdam History](#)
- [CityBuild](#)
- [SimBuild](#)
- [SimInst](#)
- [SimPlay](#)
- [Sieberdam/ROCS Info](#)
- [Sieberdam/ROCS Availability](#)
- [Contact Info](#)
- [Colophon](#)



【p.38】

E-Portfolio Model



Jeremy Hiebert 2006

【p.39】

Practice Management Tutor Workspace

Hello Fiona Westwood , welcome to the Practice Management Tutors workspace.

Please select a group:

Group 12

- Gerald McGee
- Sarah Jane McGhie
- Jonathan Blaney
- Jennifer Anne Burton
- Louise Mary Gillies
- Laura Jayne McGlynn
- Louise McGuinness
- Jennifer Spy
- Caroline Stakim
- David Syme
- David Taylor
- Judith Vandecasteele

Activity Log | **Personal Log**

View Firm

	Date	Comment
View	05/12/2005	Things have been getting a bit more hectic this week, and I must admit that this is making me slightly uneasy. Tensions were running slightly high at our last PI meeting, with some firm members feeling that we weren't getting anywhere fast, and others feeling that we were no further back than anyone else, and therefore there was no problem. Hopefully, now that the end of term is looming, the members who have not contributed much to the project will be spurred to do something. Sometimes I feel that I have the least onerous role in the project, in that I am in charge of writing letters and general fact finding. However, as one of my firm pointed out to me, my role has been constant since the start of the project, in that I have had to write several letters a week. Research is really more of a "two-week task", although concern has been expressed about the areas of research that are relevant. At times like this it is tempting for me just to steam in and do the extra work myself, but I am resisting the temptation to do so. However, in a middle of the night panicky moment, I did do a Westlaw search last night for cases that had similar facts, and that could therefore focus our attention on a particular legal area. I didn't read all the cases, but I did post the list of citations as a note to file, and invited the firm researchers to look at them. Whilst I appreciate that this is a bit bossy, and perhaps selfish, I did feel that it justifiably had to be done, as the research that was currently being done was rather woolly and theoretical, relying on textbooks instead of actual cases. In addition, we have been preparing our answers for the tax assignment, and this has been much more successful. Although we had to put back our tax meeting until the day before the presentation, we have all posted our answers on the noticeboard and commented on them, and I feel quite

【p.40】

WebCT Campus Edition™ My Portfolios | Accessibility | Help | Log out

Jane Student4 Portfolio

Jane Alexander
Major: Mathematics Education
Minor: Art

My Educational Journey
This binder is a compilation of artifacts that demonstrate my ability to meet personal goals and the objectives of my program.

Employer Information
This folder contains information that would be especially important to potential employers.

My Student Teaching
This is the culminating paper that recounts my student teaching experiences and what I learned from them.

My Portfolio Reflections Blog
I have shared my portfolio creating experience through this blog. Please feel free to peruse my entries and give me feedback.

A Gallery of my Journey
This gallery displays some of the views I was inspired by along my quest to becoming an inspired artist.

start | Inbox - Microsoft Out... | WebCT - Microsoft In... | Microsoft PowerPoint ... | 09:22

【p.41】

WebCT Campus Edition™ My Portfolios | Accessibility | Help | Log out

Build Portfolio View Portfolio **My Portfolio**

Your location: Manage Views

Portfolio Items Guests

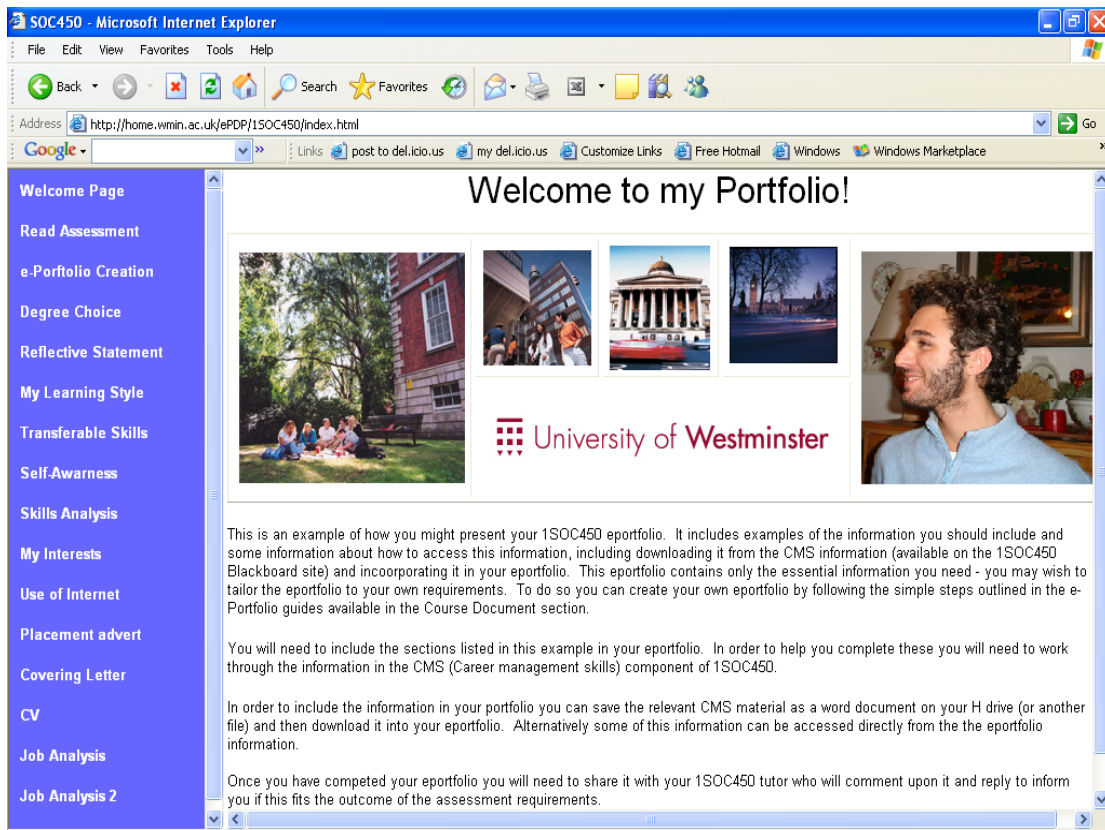
Title	Linked to	Who Can View This?
Home Page		
Example Binder	Example Binder	Everyone Edit
Example reflection topic	Example reflection topic	Everyone Edit
Example Gallery Collection	Example Gallery Collection	Everyone Edit
Example Folder		Everyone Edit

Calendar
Learning Objectives
Message Center
(H) = Hidden

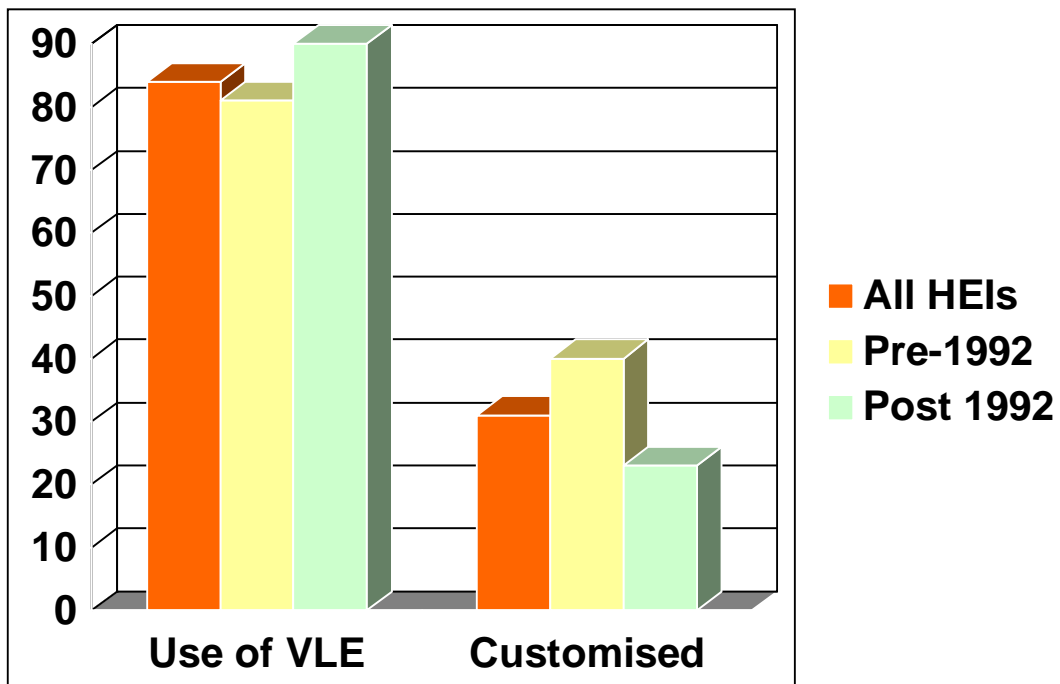
Owner Tools
File Manager
Reflections
Binders
Gallery
Resume
Web Links

Options
Guests
Set Preferences
Manage Views
Track Guests

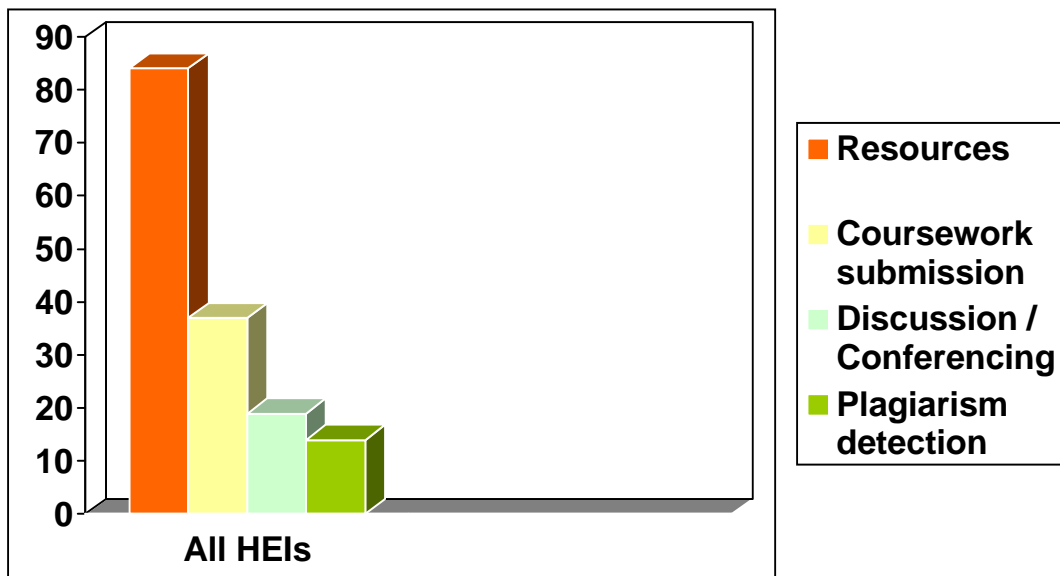
【p.42】



【p.47】 use of VLEs



【p.48】 how VLEs are used



第三章 倫敦大學及倫敦法院與倫敦律師學院之座談與參訪

壹、倫敦大學亞非學院座談

95 年 7 月 11 日訪問團一行人訪問倫敦大學亞非學院，主要由該校亞非學院東亞法律研究中心主任、法律暨社會科學院副院長 Michael Palmer 教授接待與進行座談。相關行程及座談情形如下：

Time	Theme	Host \ Guider
12.30 am	茶敘 Greetings & coffee	東亞法律研究中心主任、法律暨社會科學院副院長 Michael Palmer (Chair, Centre of East Asian Law ; Associate Dean for Research, Faculty of Law & Social Science) 羅昌發院長 Chang-fa Lo (Leader, Taiwan Team)
1.00 pm	午餐與學術討論 Lunch & Discussion	台灣考察團及 SOAS 法律系教師 Taiwan Team ; Michael Palmer Dr. Clara Della Croce ; Dr. Kuo
2:30 pm	圖書館參訪 Library Tour	中文導覽 Librarian
3:30pm	團體照相 photo-taking	Michael Palmer 教授安排專業攝影師於 SOAS 門口全體拍照留念

亞非學院的參訪分為餐敘及圖書館導覽二大部分。本日行程除原參訪團團員外，國科會駐英科技組胡昌智組長也特地前來致意並全程隨行。餐敘由 Michael Palmer 教授夫婦招待參訪團員於 SOAS 教授餐廳用膳，並邀集對亞洲及台灣法制研究之系上教師參與。

餐會中除漫談台灣法學教育改革之現況並交換意見外，Michael Palmer 教授並與參訪團團長羅昌發院長以及國科會駐英科技組胡昌智組長交換將來互相參訪及合作之邀約。羅昌發院長大致介紹台灣法學教育改革之進程以及困難，Michael Palmer 教授表示：英國的法學教育改革與台灣一樣，因為學風各異而且學術獨立，各校有不同的方向，例如 Warwick 大學所強調之 e 化法律教學，SOAS 與許多傳統大學就沒有跟進，不過在強調師生間的互動式教學方面，就是普遍發展的趨勢，另外，因為英國是普通法國家，判決先例的研習與法庭實習一直是教學重點，可能與大陸法系國家有一點不同。Michael Palmer 教授同時提到：歐洲學者對於台灣法律的研究興趣已經日漸提升，建議台灣學者多多涉足國

際間關於台灣法律研究的學術場域。

圖書館導覽除引介 SOAS 圖書館所陳列之中文藏書區外，並簡要介紹捐書者與館藏數量及內涵。參訪團團長羅昌發院長並建議雙方交換贈閱法律期刊。

Michael Palmer 教授表示近年內將開設關於台灣法律的研究所課程，希望與來訪學者建立長期之合作關係。

二、英國皇家法院 (Royal Courts of Justice) 參訪情形

(一) 歷史及背景

英國皇家法院於 1882 年 12 月 4 日由維多利亞皇后揭幕，成爲最高法院 (Supreme Court) 的永久院址。地址位於四家倫敦法律學院 (London Inns) 附近。

19 世紀中葉時，英格蘭和威爾斯地區的法院系統各自獨立，故不同的執法標準和歧異的判決問題日益嚴重。1873 到 1875 年通過「Judicature Acts」統一高等法院。該法案廢止先前混亂的高等法院 (High Court)，以最高法院取而代之，並包含高等法院 (High Court) 以及上訴法院 (Court of Appeal)。

高等法院由三個庭組成：Chancy 承接以前高等法院的業務，Queen's Bench 合併三個習慣法法院 (King's Bench, Common Pleas, Exchequer)，Probate (遺囑)，Divorce (離婚) and Admiralty (海事) 庭取代 Probate, Divorce and Admiralty 三個法院。最後一個庭於 1970 由家事法庭 (Family Division) 取代。本來希望高等法院會取代 House of Lords 的地位，但是後者一直以來仍然接受最終的上訴。1972 年成立第三個法院：Crown Court，專門處理刑事相關的案件。

(二) 法院的所在

1868 年任命 George Edmund Street 爲建築師，並於 1873 年由 Messrs. Bull & Sons of Southampton 開始建造。由於建造過程遭到攻擊，因而後來引進外國 (特別是德國) 的建築工人繼續建造，並受到警察嚴密的保護。經過八年的建造，皇家法院於 1882 年 12 月 4 日由維多利亞皇后揭幕。不幸的是，Street 先生在完工前即已去世。450 間房子總共花費一百四十五萬英鎊；建築物由東到西總共 145 公尺寬，由北到南 141 公尺長，最高的尖塔則有 75 公尺高。

法院入口處有歷史上著名的法官和律師的人頭畫像，最高處則有耶穌基督的塑像；在北邊還有貓和狗，象徵打官司的訴訟當事人。每個法庭都有自己獨特的內部裝潢，分別由不同的建築師設計。

在大廳的左側，有兩個很華麗的柱子，是由從外國聘來的建築工人雕刻的，不過後來因爲不在整體的計畫中而被迫中斷。在大廳拱門前，有一個未完成的樑柱，這是因爲 George Street 認爲只有耶穌基督才可能完成完美的建築物，乃故

意未完成以表示尊敬。大廳底部鑲嵌的地板本來計畫要一直延伸到窗戶，不過在 George Street 過世後，沒有人願意向國會請錢而未能完成。窗戶上則有歷代法務大臣以及圖章保管人的衣袖塗層。

（三）開庭情形

只有大律師 (Barrister) 才可以代理當事人出庭訴訟，小律師 (Solicitor) 不可出庭。大律師出庭時，原則上應穿上法袍並戴上假髮，審理案件之法官，亦同。大律師的假髮上有辮子，辮子的數量多少與穿戴的大律師年資的深淺成正比。在簡單民事案件中，法官亦得宣示其自己及出庭的大律師無須穿法袍及戴假髮。

各法庭空間大致相同，布置莊嚴，四周放置許多古老裁判彙編及書籍。

開庭情形與我國法院並無重大差異，法官需就卷宗資料及大律師發言勤做筆記，大律師陳述時，亦需起立。與我國法庭布置相較，皇家法院法庭甚至更為高高在上，大律師陳述之位置與法官座位相距稍遠，法官與大律師相互傳遞資料時，需透過座位在法官位置下之其他法庭人員。

（四）安全措施

英國皇家法院安全措施嚴密，一般人雖可隨時進入法院參觀開庭，但入口處有安全人員檢查隨身衣物行李。另有一間控制室，透過許多一般人不易注意之攝影機隨時監控法院內外各地及各法庭。本團人員參觀時，因為不知方向而有左顧右盼之行爲，引起警衛注意而趨前詢問。經告知後，該警衛非常客氣，立即引領本團人員進入前述監控室參觀。該警衛並向本團人員展示皇家法院近年來從訪客身上搜出之不法隨身物品，包含：槍枝、凶器、大塊石頭、菜刀等，令人驚奇。該警衛另稱：皇家法院近年來甚至提供電影拍片使用。本團參訪時，法院入口處一項布置即為電影「新超人」拍攝之布景。

三、倫敦律師學院參訪情形

(一) 總說

倫敦共有 4 個律師學院 (inn): Inner Temple、Middle Temple、Lincoln's Inn 及 Gray's Inn。

四個律師學院都在倫敦市區，且相距不遠。Inner 和 Middle 教堂之間，包含從泰晤士河到 Fleet 街的區域，被認為是大不列顛帝國首都中最具吸引力也最寧靜之地。

每一個學院都有很好的用餐大廳、公共廳、圖書館以及教堂。每個學院都由從會員中選出的獨立資深大律師 (barrister) 和法官所管理，他們因為坐在會所大廳的長桌或長凳上，而被稱為「benchers」。每間學院的總管，也就是 benchers 的主席，被稱為「Treasurer」，任期是一年。每間學院都會策封各世界各地的名人為「榮譽 benchers」。大英帝國皇室的一些成員就被策封為榮譽 benchers；前總理 Margaret Thatcher 女士和現任總理 Anthony Blair 都具有大律師資格，並均是 Lincoln 學院的榮譽 benchers。

安靜的環境、整齊的庭院以及著名的建築物是學院最吸引訪客之處。尤其是建築物常成為電影取景的地方。各學院建築物的風格可以媲美古代牛津和劍橋大學。然而，目前各學院已無學生，而係作為大律師的事務所。

英國律師有大律師 (barrister) 與小律師 (solicitor) 之分。大律師專精於法庭訴訟或為當事人處理專門法律問題。在法律分工之下，大律師接受小律師之協助而為當事人處理事務。大致上，小律師通曉許多不同領域之法律事務，而大律師則專注於代理當事人出庭訴訟，並就其具有專業學識與經驗之較少領域法律事務提供諮詢意見。

小律師人數超過 9 萬人，遠多於約 1 萬名之大律師 (包括英國及威爾斯在內)。前述大律師中，大約三分之二之事務所即位於倫敦四個學院中，其餘則散佈於 Birmingham、Liverpool、Manchester 及 Newcastle 等省城。

執業之大律師皆為僱主，且不同於小律師，大律師彼此間不得合夥。然而，大律師們普遍共同分享學院的辦公空間，並有共同聘請的職員負責安排大律師庭期及大律師與小律師或當事人開會等行政事務。通常在入口大廳附近，就可以看到依照年資由資深到資淺排列的大律師名單。近年來，大律師分享辦公室情形更為增加，故目前常可看見 30 名以上之大律師姓名出現在門前的木板上。

大部分的學院都有四層樓，不過通常只有底下兩層是辦公用途，樓上有時候

作為律師承租的寓所。每間學院也有自己的圖騰象徵：Gray 是老鷹的頭和翅膀以及獅身的 Griffin；Lincoln 是一個有十字標誌的盾牌和小獅子在左上方。Middle Temple 則是以神的小羊為辨認標誌。Inner Temple 則是以希臘神話中 Muses 所騎之飛馬做為圖騰象徵。

十四世紀時，劍橋與牛津大學講授的法律課程是羅馬法，而不是在英國地區通用的普通法，所以想要執業的律師，就必須到律師學院學習。Gray 學院在 1350 年建立，其他的三間學院也差不多在同一時期建立。

學院的學員一起在大廳用餐，並藉此機會聆聽資深律師的授課，因而在大廳共同吃飯的傳統也被保留下來。16 世紀開始的百年是學院的黃金世代，學院掌握整個法學教育的主導權，皇室的成員也常到學院來學習。1640 年代，宗教戰爭後清教徒掌權，學院的黃金世代也宣告結束。

（二）各學院概述

Gray 學院是以 Reginald de Gray 爵士命名，十四世紀才成為律師學院。打敗西班牙無敵艦隊的 Lord Effingham 和建立倫敦交易所的 Thomas Gresham 都是 Gray 學院的成員。另外最著名的成員應該屬 Francis Bacon。Bacon 係歐洲文藝復興的關鍵人物，後來也成為英國政府體系的法學名人，並為律師學院的花園提供許多設計理念。孫中山先生在英國被清朝官員綁架獲釋後，也曾住在 Gray 裡的一間小屋子。雖然該屋子已經被拆除，但原址仍是許多中國觀光客拍照留念的地方。

Lincoln 學院最著名的會員當屬 Thomas More 爵士，他在亨利八世當上法務大臣，後來卻因為反對國王的離婚而被摘掉職位，並且在該宗教風暴中被扣上叛亂罪而判處死刑。Oliver Cromwell 也是 Lincoln 學院出身，後來在英國公民革命中扮演重要角色。從 Robert Walpole 到現在的 Anthony Blair 總共有 15 位英國首相出身於 Lincoln 學院。宣判英國奴隸制度違法的 David Garrick 爵士，也是本學院成員。當學院中有重要成員過世時，教堂的鐘聲就會響起，讓附近的人們知道。18 世紀開始，Lincoln 學院的禮拜堂變成人們棄置養不起小孩的地方，而學院會供養他們長大，並且在結婚的時候提供金錢。

Lincoln 學院的新圖書館被形容是世上最美麗的圖書館建築，館中藏有歐洲最古老的圖書。紀念 Thomas Erskine 爵士的雕像就豎立在圖書館中央附近，儘管他不贊成 Thomas Paine 主張美洲大陸應該獨立的激進言論，但是仍然以律師身份為 Paine 辯護，確立了律師職業道德規範。

在 Lincoln 南邊的是皇家法院，於 1882 年建造完成，取代原本位於國會的

法院，也使大律師們出庭較為便利。皇家法院總共有超過一千間房間，以及 414 公尺的迴廊。

再往南邊是直到泰晤士河的區域，當初是爲了保護往耶路撒冷的朝聖者，由 Knights 規劃給 Inner 和 Middle Temple。這些神職人員是西方首先建立銀行以及創立票據制度的人。這兩個教會神職人員因爲後來勢力太過龐大，遭到君王的嫉妒，因而在 1312 年遭到判刑，並將其財產充公。後來 Edward 二世將這塊區域賜給 Knights Hospitaller。法律人看上這塊區域到皇家法院的交通便利性，因此在 1404 年開始向 Knights Hospitaller 的繼承者租借這些房屋。

Middle Temple 比較有名的會員是 Edmund Plowden 以及撰寫「Commentaries on the Laws of England」而影響英美法的 William Blackstone。另外比較特別的是 Rokuichiro Masujima，他後來回日本後創立了英國法律學校。

Middle Temple 學院的大廳是英國最美麗的伊麗莎白式大廳，Windsor 森林的橡木雕刻成的橫跨在大廳上方，而最具特色的則是由 50 公里外的 Windsor 森林來的橡木做成的長凳，因爲長度太長了，以致於在大廳完工前就必須先裝置好。大廳中央另外有一個「cup-board」是給晉升成爲律師的學員門簽名紀念的地方。1601 年，莎士比亞在這裡演出 Twelfth Night；四世紀後，Shakespeare in Love 在這裡拍攝完成。

至少在莎士比亞的劇作裡，Middle 和 Inner Temple 之間的花園，是英國歷史上的重要的場景，York 公爵和 Somerset 公爵在這裡起衝突，導致 32 年間歇的玫瑰戰爭「the Wars of Rose」內戰。

Inner Temple 也有許多著名的成員，包括 Edward Coke 爵士以及 Francis Bacon，他們推動立法使習慣法超越皇室的特權，因而導致英國的公民戰爭。Inner 最著名的成員非 Mohandas Karachand Gandhi（甘地）莫屬，印度的首任總理 Jawaharlal Nehru 以及巴基斯坦的首任獨立總督 Ali Mohammed Jinnah 也都是 Inner 的成員。

Inner Temple 最古老的建築物是教堂，也是 Middle Temple 做禮拜的地方。與英國其他教堂不同的是，Inner 教堂有一個圓形的塔樓，塔樓裡豎立著 8 位參與十字軍東征爵士的雕像，教堂外面則是著名的文學家 Oliver Goldsmith 的紀念碑。

再往東側則是 Inner 的圖書館，在二次大戰中遭到摧毀，目前是仿十八世紀的喬治時代建築。館中藏書超過十萬冊，最著名的是公共福利法的相關書籍；圖書館入口大廳則有印度反殖民運動重要成員的畫像。

圖書館另一邊往 Thames 河的路上則有成員居住的住所；1666 年倫敦市區的一場大火，燒毀本區域。後來在重建過程中，引發許多地主關於土地邊界的糾紛，

處理這些糾紛的兩位法官因而贏得「Fire Judges」的美名。

歷史上很多人都形容 Inns 是「倫敦法律的中心」，但是在新世紀的影響力似乎日益下滑。

第四章 歐洲學院、歐洲法院與荷蘭自由大學

壹、歐洲學院

(一) 歐洲學院背景

訪問團訪問歐洲學院，係由 Dominik Hanf 教授 (Department of European Legal Studies) 接待。

歐洲學院成立於 1949 年，是世界第一所跨國的研究所，目的為培育歐洲 (盟) 各組織的跨國國際機構文官為主。當日接待我們參訪的是 Prof. Dominik Hanf. 德裔為歐洲學院的專任教授，他告訴我們歐洲長期從事整合，從北約到歐洲共同市場到今日的歐盟 (共有 25 個會員國) 全歐有三個類似的私立學院，除歐洲學院外，另外兩所分別在義大利 Florence (弗羅倫斯) 及荷蘭 Maastrich (馬斯垂克)，義大利弗羅倫斯的歐洲學院較偏重公法，而布魯日的歐洲學院較偏商法及歐盟法 (WTO)，布魯日的歐洲學院有兩個校區，一個在比時利 (布魯日)，另一在波蘭 (華沙)。

(二) 歐洲學院特色

- (1) 教師：除院長一人是常任 (permanent) 外，其他所有教授均為短期專任 (visiting)，來自歐洲各國，每一年一聘。
- (2) 語言要求：英語與法語兩語言是必備語言，所有老師及學生均需有兩語言的溝通能力，此舉對台灣學生是項高難度的挑戰。
- (3) 課程：歐洲學院有經濟、法律、行政的不同學程。但所有法律課程都是關於歐盟所通過的共同法律，不論是歐洲議會所通過的成文法、條約或是歐洲法院所達成的判決，皆為其主要研究對象。總而言之，歐洲學院的課程是為研究歐洲統一及全球化法律整合而開。
- (4) 學生：來自歐洲 25 個會員國，及歐洲以外地區如中國大陸、澳洲、巴西、美國、加拿大 (目前尚無台灣學生)，其中語言能力方面，1/4 學生有五種語言能力，1/3 為學生有四種以上語言能力。
- (5) 經費來源：主要來自於歐盟 (EU)，比利時中央政府及布魯日市政府 (波蘭校區，則由波蘭政府)，其他歐盟會員國及非會員國，如美、澳、中國大陸都有捐款指定為其本國學生專設獎學金及入學名額。

- (6) 學生輔導就學 (Careers Service) 全年有各式各樣活動強化學生與潛在僱用機構的對談與準備作業。
- (7) 發展中心 (Development Office) 與歐盟及各國政府連線討論有助於彼此發展各種研究計畫、課程、活動，以便歐洲學院的開課及延攬師資。
- (8) 全球競爭中心 (Global Competition Law Center): 創立於 2004 年 1 月 1 日，主要目的是在推動並研究歐盟與全球競爭法政策與經濟分析，並提供及促使學界、業界及行政機構政府執行者在競爭法領域內有一個互動的平台。
- (9) 歐盟國際關係及外交研究 (EU International Relations and Diplomacy Studies): 從今年 (2006 年) 開始，歐洲學院新開設研究所，提供外交方面的研究學位、學程。

(三) 討論

根據 Prof. Dominik Hanf 的介紹，訪問團與其就下列問題交換意見：

其一，有關其所頒發的學位性質及其他國家承認問題：Prof. Hanf 表示，其所頒授的學位並不是像德國國立大學由政府認可的博士、碩士學位，但 Prof. Hanf 認為：歐洲學院所頒授學位是否被其他國家承認，是別的國家的問題，他認為不是歐洲學院的賣點。換言之，歐洲學院賣的是知識，有用的知識，而非學位。

其二，有關師資問題，就歐洲學院的師資只有一位（永久）專任，其他師資來源問題。Prof. Hanf 表示：所有其他老師都是客座 visiting，來自於 25 個會員國，一年一聘。再者，針對此種制度利弊的問題，Prof Hanf 認為，每個老師和學生接觸時間較短，學生和老師彼此熟悉度不夠，很難有深入的互動。

其三，有關歐洲學院是小規模的法（政、商）學院和英國現在的制度與律師學院 (Inn) 關聯問題，Prof. Hanf 解釋謂，歐洲學院就是向英國的律師學院 (Inn) 學習來的，讓老師 (Barrister) 和小律師或法學院學生，學習、吃在一起、住在一起。（英國的律師學院 Inn 就是一個由圖書館、餐廳、教室和律師事務所組合在一起的學徒制機構，從日常生活密切關係中學習法律）。

歐洲學院外觀上只有兩棟大樓，佔地不大，所收的學生也在百人以內，明顯的是走「菁英教育」路線。課程設計是專為歐盟文官訓練而設。我國非歐盟會員國，想要申請歐洲學院並非易事，不但有法語的高門檻障礙，還有學費及政府捐款的問題。我國加入 WTO 後，競爭法是一項國際組織內的重要課題。歐洲學院提供此等訓練課程，非常重要。我國未來如何獲取入學的機會有待努力。

貳、歐洲法院及歐洲第一審法院訪問情形

本團訪問歐洲法院及歐洲第一審法院。該二法院均派員接待並講解該等法院之運作及其在歐洲整合所扮演之重要角色（包括第一審的 Dimosthenis Papakrivopoulos; Referendaire, Cabinet de Mme le juge Cremona）。歐洲法院及歐洲第一審法院解釋其相關組織與運作情形如下：

歐洲共同體內之司法體系，包含三個法院：歐洲法院（the Court of Justice）、第一審法院（the Court of First Instance）、民事服務庭（the Civil Service Tribunal）。

歐洲法院設置之目的在於檢視共同體行為之合法性，並確保共同體法律在解釋上與適用上之一致性。歐洲法院是由 25 位法官和 8 位 Advocates General 所組成，其均是由各會員國之政府所指派，任期六年，可連任。每個國家指派一個法官，可以將其法律文化帶入。各國所指派的法官，由各國各自決定，由各國提出後再由所有會員國通過。

歐洲法院之院長是由法官互選，任期只有三年，但可連任。Advocates General 之職責則是在協助法官，公正獨立地就案件提供意見，亦即結論之建議，給法官們參考。

歐洲法院法庭（Chamber）之組成有三種：（一）由全部法官參加：這只有在相當特殊或極為重要之案件，才會舉行；（二）由 13 位法官組成 Grand Chamber：例如有會員國是當事人，或是重要之案件，例如 microsoft 案件；（三）由 3 或 5 位法官組成：其他案件則由 3 或 5 位法官審理之，其庭長由法官互選之，5 位法官之庭長任期三年，3 位法官之庭長任期一年。

第一審法院是歐洲共同體應歐洲法院之要求，於 1989 年 10 月 31 日設立，目的在於減輕歐洲法院之負擔，並建構兩審之法院制度以強化法律保護。

第一審法院是由 25 個會員國所指派之法官組成，任期六年，可連任。院長由法官互選，任期三年。法官均是公正獨立地審理案件。第一審法院和歐洲法院不同之處，在於第一審法院並沒有常設之 Advocates General，由必要時由一位法官來擔任 Advocates General 之工作。第一審法院是由 5 或 3 位法官組成，有時亦會由一位法官組成，其亦可組成 Grand Chambe 或是由全院法官參加之庭。大約有四分之三之案件，是由三位法官組成之庭審理之。

第一審法院受理之案件有幾類：由自然人或法人對共同體之作爲所提出之案件；由會員國對共同體提出之案件；對共同體或其職員行為之損害賠償案件；共同體所簽訂之契約中明訂由第一審法院審理之案件；有關共同體商標之案件。由

第一審法院所為之判決，不服者可於兩個月內提起上訴，但只能針對法律問題提起上訴。

至於共同體和其職員間之紛爭，則由民事服務庭處理之，不服者其判決者，可向第一審法院提起上訴，但亦只限於法律問題。

EU 有 20 種語言，通常法官之助理不會只來自一個國家，但法語是最重要的語言。

參、荷蘭自由大學訪談情形

(一) 該校法學院情形

訪問團訪問荷蘭自由大學法學院 (Faculty of Law of Vrije Universiteit Amsterdam, 係由 Prof. dr. J.A. Winter 教授(Dean of International Affairs) 負責接待。

自由大學係一非常著名且有悠久歷史的大學，且其國際化程度非常深。該校法學院對國際學生提供兩種一年的碩士課程：國際商業法(international Business Law)及國際商務與貿易法(International Commercial and Trade Law)。

國際商業法碩士班係提供有關商業活動政府管制法規的課程，EU 法、WTO 法、IMF 法、國際投資法等。該課程亦注重英美與歐陸法的課程（如國際契約與公司法等）。國際商務與貿易法碩士課程目的，則在訓練必須處理國際貿易與商務的執業律師，使其具備相關的知識與實務能力。

該校亦與世界許多學校簽訂協議，每年接受 50 位來自世界各國交換學生(我國部分，該校與臺大簽約，每年由臺大法律學院選派一至三位學生至該校交換)。

(二) 座談情形

訪問團與自由大學法學院討論若干重點：該校對學生學業上要求相當嚴格。法學院教授多採行討論方式進行課程；教師於學期初即公布進度及預備討論的內容；學生如未充分準備而無法回答問題或進行討論，將被要求離開討論課程，而另行集中加強訓練。教授授課時數甚長（每週 14 至 16 小時）。

該校要求學生（特別是碩士班學生）參加模擬法庭辯論的訓練。此種訓練對培養學生法律技巧及思考能力，非常重要。

該校從事國際化理念非常明確，有非常多的英文開設的法律課程，一方面吸引國際學生（包括歐洲其他國家的學生），另一方面也選派其學生赴國外進修，使其學生有許多機會接觸國際學生及國際環境，也增加自由大學的國際聲望。

有關歐盟法的問題，Winter 教授等認為由於歐盟法範圍十分廣，故許多領域的國內法科目，均必須將歐盟法亦納入範圍。故歐盟法對於法學教育及法學研究均有重大影響。渠等表示，在其學校，幾乎每一位教師均必須同時瞭解國內法、歐盟法及國際法層面，而不能僅瞭解單一的領域(mono-discipline)。而且歐盟

法對國內法亦有滲透(penetration)的現象。簡言之，歐盟法影響各國法；反過來說，各國法亦影響歐盟法。

第五章 結論與建議

法律學門許多同仁出國開會機會甚多，但多數出國開會多係針對特定次領域甚至特定議題出國參與會議或討論。本次法律學門歐洲之行，則係由整體學門角度，觀察歐洲法學教育與學術機構及司法部門。由於法學教育改革在現階段為國內重要課題，又由於歐盟整合及其最近所進行的法律整合及在許多領域中「歐盟法」浮現，故此行以此二者為討論與觀察的重點。

訪問團在英國，直接與英國法學教育中心人員討論法學教育的若干重要面向，特別是該中心所推廣的法學教育方法（所謂 e 化的教學），對我國改革法學教育方法，有十分有意義的啟發。英國成立法學教育中心的作法，對我國亦有重要的參考作用。

我國教育及研究主管機構，如能成立類似法學教育中心的機制，對相關教學方法進行研究及推廣（目前教育部顧問室中程綱要計畫法律領域的規劃，應可朝此方向思考）。

訪問團對法學教育機構（包括 Warwick 大學法學院、倫敦大學亞非學院、自由大學、歐洲學院等）積極從事教學改進、對學生嚴格要求（包括要求事先準備及課程中參與討論等），印象極為深刻。我國對高等教育機構人員強調其研究成果，對強調教學的貢獻及效果，反而較為忽略。如何使法學教師，對教學有更高的奉獻及更大的熱誠，應為我國法學界將來強調的重點。再者，我國若干素質較高的學校，往往強調學風自由，而對學生上課情形（包括在課堂的表現），要求不高。此顯然係對所謂自由學風的誤解；且對於使法律學生獲得更有效的法學訓練，幫助不大。法學教育界應對此問題嚴肅思考。

雖然並非所有歐洲國家的所有法學院對於法學教育改革均有相同的認同，亦非所有學校對國際化均有相同的政策方向，然歐洲許多法學院除重視其國內法律的教學之外，對於促使其學生具備國際觀及使其學校有國際聲望，亦相當重視，且有相當的效果。我國各法學院國際化程度普遍相當低；學生國際觀普遍不足。此均有賴法學教育從事者給予更大重視的問題。

法學研究的方面，歐盟法的發展對歐洲法學教育及法學研究均有重大影響。如同自由大學教授所表示，在歐洲教學與研究上，甚難僅研究國內法而不研究歐盟法及國際法。蓋歐盟法與其國內法已經相當程度相互影響。由於歐盟法在整合英美法與歐陸法尚有重要進展，且由於歐盟所涵蓋的廣大地理範圍及其在國際上重大影響力，歐盟法的研究已經無法為其他地區（包括我國）所忽視。特別是我國許多法律體制均與歐陸法（特別是德國法）息息相關，歐陸法受到歐盟法的影響及其發展，自屬法學研究所不可不特別重視的一環。

司法機構在法律體制下扮演重要角色。在歐盟整合過程中，司法機構亦有重要的功能。訪問團參訪歐洲富有歷史的英國法院，觀察其法院在法制上的傳統角色。其後復參訪歐洲法院及歐洲第一審法院，體察其運作及其受到歐盟各國重視的程度。歐洲法院及歐洲第一審法院對於歐盟法的解釋與適用，有舉足輕重的地位。其在若干領域（如貿易法）亦有相當主導法律運作的地位。在我國法學界對歐盟法進行研究時，對於其司法機構的角色與地位，自然亦不可忽視。

附件一：行程及參考資料

行政院國家科學委員會法律學門赴歐洲考察團

行程及參考資料

2006年7月7日至2006年7月17日

目 錄

法律學門赴歐考察團考察目的中英文摘要

法律學門赴歐考察團行程表

參訪流程圖

Warwick 大學及英國法律教育中心參訪行程

倫敦法律機構參訪行程

參訪重要聯絡資訊

法律學門赴歐考察團成員及眷屬通訊錄

國科會法律學門歐洲考察團 Curriculum Vitae

法律學門赴歐考察團考察目的中英文摘要

Taiwan Investigation Group to Europe

European Law Integration and Legal Studies and Education

Sponsored by the National Science Council, Taiwan

The pace and comprehensiveness of the Europe' s integration in the past decade is far beyond the extent that could have been imagined a decade ago. As part of the integration, various countries in Europe have been undergoing a process of overall harmonisation of legal regimes. In the past, Europe has two distinct legal systems - the Anglo-American law system in the United Kingdom and the Civil law system in Germany and France; the legal system in Germany also differed substantially from that in France. Recently, Europe has been conducting a large-scale legal integration through legislative works in various countries. A new era of European law, as integrated, can be seen in numerous legal fields - from external trade laws and regulations at the beginning, to the competition law, civil law, constitutional law and so forth. Such developments cannot be overlooked as far as the study of legal regimes is concerned (very likely the distinction between Anglo-American law system and civil law system is blurring), and the new set of European laws has been gradually forming a new field of study (posing challenges to the evolution of theories on the new system and new concepts thereof, as well as to legal interpretation). And the adjustments in legal education made in response to such developments also deserve a closer study and investigation.

In light of the foregoing, this Project envisages to have scholars in various legal fields to pay academic visits to the European countries that play a key role in this evolutionary process and conduct conversations and discussions with the scholars and governmental officials involved in this process. Through the visits and discussions, it is expected that the visiting scholars acquire a clearer understanding regarding the integration of European laws, the implications of such integration to other countries, and the measures adopted in the European legal academic arena and education in response to the integration; which, in turn, can be of high reference value as regards Taiwan' s efforts to promote the quality of Taiwan' s legal research and ongoing reforms on Taiwan legal education. The investigation group will conduct the visit and discussions in the most possible efficient manner in the United Kingdom

(which is the home to the Anglo-American legal system), the Netherlands (where the legal education is unique), Brussels (the capital of Belgium where the headquarters of the European Union are located) and Luxembourg (where the European Court is situated).

歐洲法律整合以及其法學研究與法學教育的因應 行政院國家科學委員會法律學門歐洲考察團

近十餘年來，歐洲整合的速度與其所涉及的層面，均為十餘年前所不可想像。透過歐洲整合，各國也開始進行幾乎全面性的法律體制調和。以往在歐洲之內，有英國的英美法系與德國與法國的歐陸法系之別；更細的來說，德國與法國法律亦相當差異。但近年來，歐洲已經透過國立法工作，進行大規模的法律融合工程。在各個法律領域，都可見富有創見且令人讚嘆的歐盟法的誕生。由一開始的對外經貿法規，到後來的競爭法、民法、憲法等等方面的整合，都已經有相當高的成就。此種發展，在法律體制而言，有其極為重要的地位（法律體系若干部分可能不再嚴格劃分英美法與大陸法）。對法學研究而言，也形成重要的新領域（對法學者就新體系及新概念的理論形塑與法釋義的進行，均屬挑戰）。其所衍生的法學教育的因應或調整，亦值得深入了解。

本參訪擬透過各法律領域的學者，親訪各關鍵國家，並與其法學界及政府部門相關負責人士進行討論，以增加我國對歐盟法整合情形與此一重要法制變革的瞭解，及其變革對其他國家的含意；並深入瞭解其法學界及法律教育界對此一變革的因應，俾作為我國提升法學研究及改革法學教育的重要參考。由於英國為英美法重鎮、荷蘭法學教育有其極為特殊之處、比利時首都布魯塞爾為歐盟總部、盧森堡有歐洲法院，故均將以最有效率之方式進行短期參訪。

法律學門赴歐考察團行程表

日期	國家/城市	擬拜會單位	協調聯繫者	住宿
7/7 (五)	搭乘 BR0067 09:00am 出發	19:15pm 抵達 英國希斯洛機場	林芳美	倫敦 Thistle Euston
7/8 (六)	英國 劍橋	劍橋大學	謝如媛導覽 【中正大學助理教授】	倫敦 Thistle Euston
7/9 (日)	英國 倫敦	科芬園、大英博物館	謝如媛隨行	倫敦 Thistle Euston
7/10 (一)	英國 科芬特里	英國法律教育中心 Warwick 大學法學院	Seminar Hosters 中心與學院主管	倫敦 Thistle Euston
7/11 (二)	英國 倫敦 比利時 布魯塞爾	倫敦法院、法律機構 倫敦大學亞非學院	Chair & Professor Michael Palmer	布魯塞爾 Ibis
7/12 (三)	比利時 布魯塞爾 盧森堡 盧森堡市	布魯塞爾→盧森堡 2:00pm 歐洲法院	Madeleine Underwood Service de Visite La Cour de justice	布魯塞爾 Ibis
7/13 (四)	比利時 布魯日 荷蘭 阿姆斯特丹	比利時布魯日 2:30pm 歐洲學院	Stéphanie Parmentier College of Europe	阿姆斯特丹 Hotel Casa 400
7/14 (五)	荷蘭 阿姆斯特丹 荷蘭 海牙	海牙國際法院 自由大學	羅昌發院長	阿姆斯特丹 Hotel Casa 400
7/15 (六)	荷蘭 阿姆斯特丹	自由活動		阿姆斯特丹 Hotel Casa 400
7/16 (日)	搭乘 BR0076 12:35pm 回台北	阿姆斯特丹機場	林芳美	長榮 BR0076
7/17 (一)	10:50pm 抵達台北	溫暖的家	親人☺	

參訪流程圖

2006/07/07 (五)

09:00am (BR0067)

桃園中正國際機場

◎[el](#)

20:05pm

英國倫敦希斯洛機場

◎

[Thistle Euston](#)

◎

2006/07/08 (六)

09:06am

倫敦 Kings Cross 火車站

◎

10:27am

劍橋火車站

◎

劍橋大學自由行

◎

1hr.21min.

19:28pm

劍橋火車站

[Hotel](#)

◎

20:32pm

倫敦 Kings Cross 火車站

◎

[Thistle Euston](#)

◎

1hr.04min.

2006/07/09 (日)

Covent Garden 科芬園

[Hotel](#)

◎

大英博物館

◎

[Thistle Euston](#)

◎

2006/07/10 (一)

08:10am

倫敦 Euston 火車站

◎

09:13am

Coventry 火車站

◎

10:00am

Warwick 大學

◎

1hr.03min.

Taxi

10:00pm-16:30pm

英國法學教育中心

Warwick 大學法學院

◎

17:05pm

Coventry 火車站

◎

18:27pm

倫敦 Euston 火車站

◎

Taxi

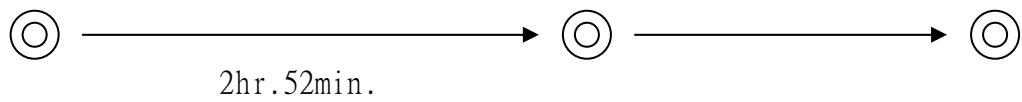
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倫敦夜遊

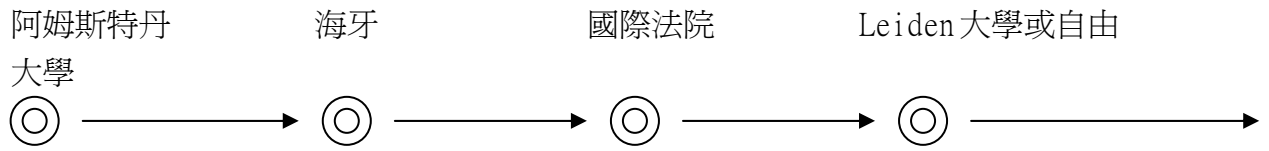
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[Thistle Euston Hotel](#)

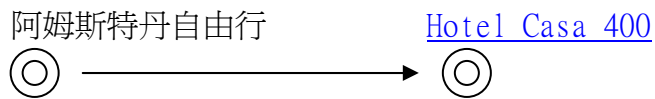
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2006/07/14 (五)



2006/07/15 (六)



2006/07/16 (日)

12 : 35am (BR0076)

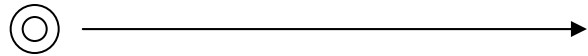
阿姆斯特丹機場



2006/07/17 (一)

10 : 50am

桃園中正國際機場



Warwick 大學及英國法律教育中心參訪行程

One-Day Seminar on Legal Education

in the UK and the European Union

Hosted by the Warwick Law School and the UK Centre for Legal Education

Tuesday, July 10, 2006

Time	Topic	Chair \ Speaker
10.00 am	引言 Introductions Greetings	Warwick 大學法學院院長 Roger Burridge (Head, Law School) 英國法律教育中心主任 Julian Webb (Director, UKCLE) 羅昌發院長 Chang-fa Lo (Leader, Taiwan Team)
10.15 am	台灣的法學教育 Legal Education in Taiwan	羅昌發院長 Chang-fa Lo
10.45 am	歐盟與英國法學教育 Legal Education in EU and UK	英國法律教育中心主任 Julian Webb
11.15 am	Warwick 大學法學教育 Legal Education at Warwick	法學院院長 Roger Burridge 法律研究所及法律專業訓練所所長 Nicholas Johnson (Director, LLM and Warwick Legal Training) 國際發展法與人權研究所所長 Abdul Paliwala (Director, LLM in Int'l Development Law and Human Right)
12.15 pm	「英國法律教育中心」的專業角色與活動 Role and activities of UKCLE	英國法律教育中心主任 Julian Webb 英國法律教育中心副主任 Tracey Varnava (Associate Director) 法律 e 化教學顧問 Patricia McKellar (E-learning Advisor)
12.45 pm	Lunch	
2:00 pm	Role and activities of UKCLE (contd.)	英國法律教育中心副主任 Tracey Varnava 法律 e 化教學顧問 Patricia McKellar

2:30 pm	法律 e 化教學 E-Learning in Law	國際發展與人權法律研究所所長 Abdul Paliwala
3:00 pm	綜合討論 General Discussions	全部出席者 All

倫敦法律機構參訪行程

The European Union and Legal Education in UK

-- Legal London and SOAS

Hosted by Professor Dr. Michael Palmer

School of Oriental and African Studies, University of London

Tuesday, July 11, 2006

Time	Theme	Host \ Guider
9.00 am	倫敦法律之旅： 法律學院、皇家法院 Legal London : Inns, Royal Courts of Justice	導覽 Dr. George Lane Dr. Mingwo Soo
12.30 am	茶敘 Greetings & coffee	東亞法律研究中心主任、法律暨社會 科 學院副院長 Michael Palmer (Chair, Centre of East Asian Law ; Associate Dean for Research, Faculty of Law & Social Science) 羅昌發院長 Chang-fa Lo (Leader, Taiwan Team)
1.00 pm	午餐與學術討論 Lunch & Discussion	台灣考察團及 SOAS 法律系教師 Taiwan Team ; Michael Palmer Dr. Clara Della Croce ; Dr. Kuo
2:30 pm	圖書館參訪 Library Tour	中文導覽 Librarian (conditional)
3:30pm	參訪結束 end of the visit	

參訪重要聯絡資訊

日期	參訪機構	住宿
7/07 (五)	7月10日 <u>School of Law</u> <u>University of Warwick</u>	<u>Thistle Euston Hotel</u> 43 Cardington Street, London NW1 2LP, England, UK
7/08 (六)	<i>Director of LLM in IDLHR</i> Professor Abdul Paliwala Phone: +44 2476 523090 (O)	Phone: +44 20 7387 4400 Fax: +44 20 7387 5122
7/09 (日)	+44 1926 429633 (H) Mobile: 404-404879 Fax: +44 2476 524105	Heathrow International Airport <i>Heathrow Underground</i>
7/10 (一)	Email: a.paliwala@warwick.ac.uk <i>Head of Law School</i> Professor Roger Burridge Email: R.H.M.Burridge@warwick.ac.uk <i>Director,</i> <i>LLM and Warwick Legal Training</i> Dr. Nicholas Johnson <u>UK Center for Legal Education</u> <i>Director</i> Professor Julian Webb Email: Julian.Webb@warwick.ac.uk <i>Associate Director</i> Dr. Tracey Varnava Email: T.Varnava@warwick.ac.uk <i>E-learning Advisor</i> Dr. Patricia McKellar Email: P.McKellar @warwick.ac.uk	<i>Station -></i> <i>Piccadilly line (Dark</i> <i>Blue) ->Green Park</i> <i>Station ->Victoria</i> <i>line (Light Blue) -></i> <i>Euston Station-> 5</i> <i>minutes walk -></i> <i>Thistle Euston Hotel</i>

<p>7/11 (二)</p>	<p>7月11日 Faculty of Law & Social Science SOAS, University of London</p>	<p><u>Ibis Centre Gare du Midi</u> Rue d'Angleterre, 2-20 B-1060 BRUSSELS BELGIUM Phone: (+32)2/5414444 Fax: (+32)2/5414445</p>
<p>7/12 (三)</p>	<p><i>Associate Dean for Research</i> <i>Chair, Center of East Asian Law</i> Professor Michael Palmer Phone: +44 20 78984671 Fax: +44 20 78984619 Email: mp@soas.ac.uk Dr. George Lane Email: georglane@tiscali.co.uk Dr. Mingwo Soo</p>	
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Bill of Lading and Private International Law (203pp) (1981)
Reciprocity Principle in the International Regulation of Economic
Relations (318pp) (1989)
Import and Other Trade Relief Under United States Trade Law: International
Economic and Trade Law Studies I (331pp) (1994);
Legal Problems of Trade Relations: International Economic and Trade Law
Studies II (388pp) (1994);
Legal Interaction between Trade and Competition Policy: International
Economic and Trade Law Studies III (310pp) (1994);
GATT/WTO and Taiwan's Foreign Trade: International Economic and Trade Law
Studies IV (396pp) (1996);
New Legal Order Under the WTO: International Economic and Trade Law
Studies V (896pp) (1996);
New Agenda of WTO Rules and Taiwan's Relations with Hong Kong:
International Economic and Trade Law Studies VI (346pp) (1997);
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The Legal Culture and System of Taiwan (to be published by Kluwer
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Publication

1.Criminal Law, General Principles (2003)

2.Introduction to Law (1995)

3.Strict Liability and Public Welfare Offense-A Comparative Study of Chinese and American Criminal Law (1983)

4.The Corruption in Taiwan and its Fight (1997)

5.Contempt of Court -A Comparative Study of Chinese and Anglo American Criminal Law (1988)

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10.TV Broadcasting and Libel (1996)

11.De Minimis Infractions (1992)

12.The Asymmetrical Criminal Appeals System-A Comparative Study between Anglo American Legal System and Continental System (2001)

13.Comments and Reports in Mass Media Law (1997)

14.Freedom of Speech and Fair Trial (1992)

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Main Publication

1. Taking of Leave en Masse (1988)
2. Right to Strike - Definition, Function and Legal structure (1989)
3. Political Strikes (1991)
4. A Study on the Wage' s Problem during the Period when Labor Disputes (1992)
5. Legal Natur of Labor Contracts (1995)
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7. The Employer' s Default in Acceptance of Employment Relation (1998)
8. The Discussion about the Right of Work in German Labor Law (2002)
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Major Related Publications:

Books

• "Get To Know Consumer Protection Law", published by Consumer Protection Commission, Executive Yuan of the Republic of China, February 1995 (coauthor).

• "Jurisprudence and Case Study on Civil Law" (1), published by National Taiwan University Law Press Nr. 113, 439 pages, November 1998.

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Lawyer, Root & Wurzel Law Office, 1981-1983.

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PUBLICATIONS

I. Articles

The German Patent System, 37.2 Law Journal, 91-115 (April 1992).

Recent Developments in the European Trademark System, 21.2 National Taiwan University Law Journal, 457-483 (August 1992).

An Analysis of Infringement of Trade Secrets and Liability for Infringement, 1992-8 Science and Technology Law Review, 42-59 (August 1992).

Review of the Draft Amendment to the Trademark Law and Its Effects on Industry, 22.1 National Taiwan University Law Journal, 401-418 (December 1992).

The Effects of the GATT Uruguay Round on the Copyright Law and on Publishers, 35 Publishing Circle, 51-53 (December 1992).

The Application of and Limitations on the Principle of Freedom of Contract on Intellectual Property Licensing Agreements, 23.1 National Taiwan University Law Journal, 309-330 (December 1993).

The Scope of Patent Rights, 10.2 Root Journal, 21-37 (February 1994).

The Relationship between Trademark Law and Fair Trade Law: From the Perspective of Protecting Trade Dress for Goods and Services, 10 Intellectual Property Journal, 35-38 (June 1994).

Ownership and Management of Intellectual Property Rights, 23.2 National Taiwan University Law Journal, 389-428 (June 1994).

Systems of Monitoring the Exportation of Trademarked Goods, 11 Intellectual Property Journal, 46-54 (September 1994).

German Trademark Law: Its System and Practice, 18 Industrial Property & Standards Journal, 106-135 (September 1994).

Intellectual Property Law Its Concepts/Conception and Systems, 24.1 National Taiwan University Law Journal, 411-442 (December 1994).

The Relationship of Patent Law and Unfair Competition Law: From the Perspectives of German Law and the European Union Regulations, 10.12 Root Journal, 7-31 (1994).

Whether to Keep or to Abolish the Patent-of-Addition System, 13 Intellectual Property Journal, 65-68 (March 1995).

Misuse or Abuse of the Patent System: A Review of the Case *Huakan v. Wendin*, 1 The Taiwan Law Review, 80-82 (May 1995).

The Right of Importation and the Issue of Parallel Importation under Patent Law, 2 The Taiwan Law Review, 80-86 (June 1995).

The Relationship Between Intellectual Property Law and Fair Trade Law, 24.2 National Taiwan University Law Journal, 495-584 (June 1995).

Problems with the Retroactive Protection of Copyrights, 4 The Taiwan Law Review, 64-67 (August 1995).

The Effectiveness of Provisionally-Valid Patents, 6 The Taiwan Law Review, 74-81 (October 1995).

The Protection of Intellectual Property Rights in the Information Era, 125 National Policy Dynamic Analysis, 6-8 (November 1995).

Arbitrations over Intellectual Property Disputes, 40 Commercial Arbitration, 13-26 (November 1995).

The Protection of Famous Marks: From the Trademark and Competition Law Perspectives, 25.3 National Taiwan University Law Journal, 247-318 (April 1996).

A Milestone in the European Trademark System, Anniversary Publication on

Intellectual Property and Private International Law in Honor of Dr. Ming-Ruu TSENG-CHEN, 695-746 (March 1997).

Reform of the German Trademark Law, Anniversary Publication on Financial and Economic Law in honor of Dr. Ke Fang-jr, 141-170 (1997).

New Regulations of the Internet Service Providers in Germany, 36 The Taiwan Law Review, 83-92 (May 1997).

The Protection of Databases, 27.2 National Taiwan University Law Journal, 263-345 (January 1998).

The Legal Issues of the Internet, 104 Formosa Transnational Law Review, 41-49 (April 1999).

International Developments in the Non-Substantive Examination System for Utility Models and Industrial Designs, 237 Lawyer Magazine, 30-44 (June 1999).

Protection of the Title of a Work, 50.7 The Law Monthly, 451-454 (July 1999).

A Comparative Study of Craft Works and Industrial Designs, 51 The Taiwan Law Review, 188-194 (July 1999).

Interactive Transmissions Over the Internet and Copyright Law, 96 LAN The Network Solutions Magazine, 104-107 (November 1999).

A Whole Day' s Worth of TV Programming and Advertisements as a Collective Work, 61 The Taiwan Law Review, 157-161 (June 2000).

The Relationship Between Intellectual Property Rights and Tangible Objects, 70 The Taiwan Law Review, 24-25 (March 2001).

The Protection of Domain Names, 27 Intellectual Property Journal, 17-60 (April 2001).

MP3-Related Copyright Issues, 74 The Taiwan Law Review, 77-87 (July 2001).

Domain Name Dispute Resolution and the Dispute Resolution System, 75 The Taiwan Law Review, 103-112 (August 2001).

The Nature of Intellectual Property Licensing Agreements, 82 The Taiwan Law Review, 24-25 (March 2002).

Conflicts Between the Different Intellectual Property Systems, 84 The Taiwan Law Review, 26-27 (May 2002).

The Exclusive Effectiveness of Intellectual Property Rights, 87 The Taiwan Law Review, 28-29 (August 2002).

II. Books

Kündigung aus wichtigem Grund und Wegfall der Geschäftsgrundlage bei Patentlizenz- und Urheberrechtsverträge (Termination of Patent and

Copyright Licensing Agreements for Good Cause or for Frustration), University of Munich, Ph.D. Dissertation, German VVF Publisher, 1990.
An Analysis of Copyright Law, Angle Publishing Company, Taipei 1992.
An Analysis of Patent Law, Angle Publishing Company, Taipei 1994.
Basic Intellectual Property Legal Theory, National Taiwan University Legal Series No. 84, Taipei 1995.
Intellectual Property Systems and Practice, National Taiwan University Legal Series No. 85, Taipei 1995.
An Analysis of Trade Secret Law, Angle Publishing Company, Taipei 1996.
An Introduction to Intellectual Property Rights, Angle Publishing Company, Taipei 1998.
A Study on Basic Issues Concerning Intellectual Property Rights, National Taiwan University Law Series No.117, Taipei 1999.
International Developments in Utility Model Protection: A Recommended Approach for Taiwan's Utility Model System Reform, published by the Institute of Intellectual Property, Japan, March 2002.

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PAPERS AND PUBLICATIONS

Amy H.L. Shee, Sold-Daughter-Prostitution and Child Protection in
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Warwick, UK, 1994.

Amy Shee, " Limits of Law in Prevention and Treatment' ' , Conference
Paper, International Conference of Psychologists: Symposium on the
Commercial Sexual Exploitation of Children, August 5-8, Taipei, Taiwan,
ROC, 1995.

Amy Shee, ' ' Rethinking Law and Enforcement concerning Girl Prostitution:
With Special Reference to Taiwan' ' , Conference Paper, International
ECPAT Conference, March 23-25, Sydney, Australia, 1995.

Amy Shee, " Theoretical and Practical Problems of Law to Suppress Sexual
Transactions Involving Children and Juveniles (ROC)' ' , Keynote Speech,
Conference on Sexual Exploitation of Children, November 7, 1997, Tokyo Bar
Association, Tokyo, Japan, 1997.

Amy H.L. Shee, *Legal Protection Against Sexual Exploitation of Children in Taiwan : A Socio-Legal Study*, Dartmouth, UK, ISBN: 1 85521 869, 1999.

Amy H.L. Shee & Bernard Y. Kao, *The National Plan of Action to Prevent Sexual Exploitation of Children in Taiwan ROC*, Child Bureau, Ministry of the Interior, Taiwan, ROC, 2000.

Abdul Paliwala & Amy H.L. Shee, *The Development and Application of E-Learning in Law - Some Experiences from Iolis*, National Chung Cheng University Law Journal, Vol.19, 2006, pp.201-244.

Amy H.L. SHEE, "Impact of Globalisation on Family Law and Human Rights in Taiwan", Conference Paper, Human Rights and Global Justice Conference, 29 - 31 March 2006, University of Warwick, UK, 2006.

Publications in Chinese: Two collections of essays on Sociology of Family Law (2001 & 2004), 7 Research Reports (resulting from one-year research programme) published by the Child Bureau on Children's Rights and the Family, periodical papers published after 2004 on Family Law and Human Rights.

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