第七届“华政杯”全国法律翻译大赛通知

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特别说明：

本届大赛初赛答卷2016年6月30日停止接收，决赛7月15日举行，颁奖典礼7月16日举行。

颁奖典礼后，华东政法大学外语学院将举办“第一届法律翻译夏令营”开营仪式。欢迎本科三年级学生报名参加夏令营。

凡在本届大赛决赛获三等奖以上或在法律翻译夏令营中表现优异者，报考2017年华东政法大学翻译硕士、法律语言学方向硕士生的，华东政法大学外语学院将在同等情况下对其优先录取。

一、（大赛目的与宗旨）构建全国法律翻译竞赛平台，选拔并培养优势突出的高端法律和翻译人才，并以此形式来庆祝每年9月30日的世界翻译日。

二、（大赛历史）“华政杯”全国法律翻译大赛最早于2010年12月举办，至今已成功举办六次。第一届参赛院校32所；第二届参赛院校41所；第三届参赛院校47所；第四届参赛院校77所，律所、法院、翻译公司等其他单位13个；第五届参赛院校91所，其他单位22个；第六届参赛院校69所，其他单位24个。本项赛事的影响日益扩大，受到《文汇报》、《法制日报》、《中国社会科学报》、《新民晚报》、《英语世界》等报刊的关注。

三、（主办、承办、协办单位）

（一）主办单位

华东政法大学

全国翻译专业学位（MTI）研究生教育指导委员会

教育部高等学校翻译专业（BTI）教学协作组

（二）承办单位

华东政法大学外语学院

华东政法大学法律翻译中心

华东政法大学法律翻译研究所

华东政法大学法律语言学研究所

（三）协办单位

商务印书馆《英语世界》杂志社

四、（大赛组委会）

（一）大赛顾问（按姓氏拼音排序）

何勤华　华东政法大学教授、全国外国法制史研究会会长

许　钧　长江学者特聘教授、南京大学教授、中国译协常务副会长

仲伟合　广东外语外贸大学校长、教授、MTI教指委副主任委员

（二）历届颁奖嘉宾与评委名单（按姓氏拼音排序）

艾米·莎蒙丝（Amy L. Sommers）高盖茨律师事务所(K&L Gates LLP)上海办事处合伙人

柴明颎　上海外国语大学高级翻译学院院长、教授

丹·格特曼（Dan Guttman）北京大学访问学者

杜金榜　广东外语外贸大学教授、中国法律语言学会会长

杜志淳　华东政法大学教授

傅敬民　上海市科技翻译学会副理事长、教授

郭伟清　上海市高级人民法院副院长

何刚强　复旦大学翻译系主任、教授、上海市科技翻译学会会长

何勤华　华东政法大学教授、博士生导师、全国外国法制史研究会会长

胡开宝　上海交通大学外国语学院院长、教授

黄爱武　上海市浦东新区司法局副局长

李克兴　香港理工大学中文及双语系教授、法律翻译专家

林　巍　暨南大学外籍专家、教授

刘　平　上海市人民政府法制办公室副主任

刘蔚铭　西北政法大学外语学院副院长、教授

刘晓红　华东政法大学副校长、教授、博士生导师

陆　敏　上海市浦东海关副关长

罗培新　上海市政府法制办副主任、教授

马　莉　华东政法大学外语学院教授、硕士生导师

马庆林　西北政法大学外语学院院长、教授

梅德明　上海外国语大学海外合作学院院长、教授、博士生导师

穆　雷　广东外语外贸大学高级翻译学院教授、博士生导师

欧阳美和 上海政法学院国际交流学院院长、教授

屈文生　华东政法大学外语学院副院长（主持工作）、教授

阮祝军　上海市嘉定区人民检察院检察长

沙丽金　中国政法大学外语学院副院长、教授

邵慧翔　上海市人民政府外事办公室副主任

施伟东　上海市市委政法委员会研究室主任

唐　波　华东政法大学研究生教育院院长、教授、博士生导师

王振华　上海交通大学外国语学院英语系主任、教授、博士生导师

吴 坚　段和段律师事务所主任律师

夏永芳　上海市外事翻译工作者协会常务副会长

肖云枢　西南政法大学外语学院教授、学科带头人

谢天振　上海外国语大学翻译研究所所长、教授、博士生导师

许　钧　长江学者特聘教授、南京大学教授、博士生导师

许　旭　中化国际（控股）股份有限公司法律部总经理

杨　平　中国翻译协会副秘书长、《中国翻译》副主编

杨忠孝　华东政法大学发展规划处处长、教授、博士生导师

姚锦清　上海外国语大学高级翻译学院教授

姚骏华　原华东政法大学外语学院党委书记、副教授

叶　芳　锦天城律师事务所高级合伙人

余素青　华东政法大学外语学院党委书记、教授

张　清　中国政法大学外语学院副院长、教授

张绍全　西南政法大学外语学院院长、教授

张智强　上海中医药大学党委书记、教授

张朱平　华东政法大学外语学院副院长、副教授

章丽红　前德国拜耳大中国区人力资源副总裁

赵军峰　广东外语外贸大学高级翻译学院院长、教授

朱榄叶　华东政法大学国际法学院教授、博士生导师

朱林海　锦天城律师事务所高级合伙人、浦东律工委主任

五、（决赛获奖证书盖章）

“华政杯”全国法律翻译大赛组委会

全国翻译专业学位研究生教育指导委员会

教育部高等学校翻译专业教学协作组

六、（参赛对象）

欢迎全国各高校各专业在校本科生、硕士生及博士生踊跃参赛，比赛不限专业和年级，不分组别。

已参加工作或自由职业者也可参加比赛，参赛年龄需在40周岁以下（1976年1月1日以后出生）。

七、（比赛方式）

比赛分为初赛和决赛两轮。初赛为英译汉，决赛既有英译汉，也有汉译英。试题形式包括法学学术文章翻译、法律法规翻译、律师常用法律文书翻译等。

（一）初赛

初赛采取开卷方式，译文文责自负，选手务必独立完成，杜绝抄袭现象，一经发现，将取消参赛资格。初赛试题见下文，参赛

选手根据试题要求答题，并于2016年6月30日（含）前将全部试题译文及《初赛选手信息表》发送到ecuplds@163.com（只接收电子信箱投稿）。

译文应为WORD电子文档，中文宋体、英文Times New Roman字体，全文小四号字，1.5倍行距，文档命名格式为“XXX大学/单位XXX人名（学校名或单位名加姓名）译文”，同时发送填写完整的初赛选手信息表，文档命名格式为“XXX（姓名）大赛报名表”。

选手发送的答案须标明题号，并只发送中文。译文正文内不要出现译者任何个人信息，杜绝抄袭，否则将被视为无效译文。组委会将对收到参赛作品后会回复确认邮件，三日内没有收到回复的选手请再次发送答案。收到回复的，请勿重复发送答案。

（二）决赛

初赛成绩排名前45名的参赛选手可进入决赛。请关注华东政法大学外语学院官方网站公布的入围名单。组委会将向进入决赛的选手的电子信箱和手机分别发出入围通知。决赛为闭卷考试，时间为2小时。

入围选手凭身份证和学生证入场，统一参加笔试。决赛以纯闭卷形式进行。决赛地点设在华东政法大学长宁校区（万航渡路1575弄）。初赛及决赛参赛者均无需缴纳任何报名费用。入围考生参加复赛的交通费及住宿费等自理。

比赛结束后，试卷由监考老师现场沿骑缝线装订，经大赛评委匿名评审后，确定比赛结果，并于次日举行颁奖仪式。所有获奖选手，无特殊理由，不得缺席颁奖仪式。

八、赛程安排

1、2016年4月11日—6月30日公布初赛试题。选手可在此期间将答卷发送至指定电子信箱，收到回复后不得重复投递。6月30日之后停止接收试卷。

2、2016年7月1日—7月6日初赛评卷。

3、2016年7月7日公布入围决赛选手名单（请见华东政法大学外语学院网站http://www.wyxy.ecupl.edu.cn）。

4、2016年7月15日 9:00—11:00决赛，地点设在华东政法大学长宁校区（具体考场另行公布）。

九、奖项设置

本次比赛将设特等奖1名，一等奖2名，二等奖5名，三等奖12名，优胜奖20名，分别予以奖励。特等奖设奖金3000元，一等奖设奖金2000元，二等奖设奖金1500元，三等奖设奖金800元，优胜奖设奖金500元，并颁发获奖证书。

特等奖选手代表全体参赛选手在颁奖仪式上发言。决赛所有获奖选手都有机会收到担任“华东政法大学法律翻译中心特邀法律翻译人员”的邀请函，参与中心的法律翻译业务，并有机会在大赛结束后不定期参与该中心举办的法律翻译实务与学术研讨会。

十、颁奖仪式

颁奖仪式将于2016年7月16日上午在华东政法大学长宁校区举行，届时将邀请全国法律翻译界、法律界、翻译界名家出席颁奖典礼。

7月16日下午将举行法律翻译夏令营开营仪式。夏令营期间还将举行华东政法大学翻译硕士教育中心揭牌仪式、上海法学会法学翻译研究会年会等活动。

大赛组委会设在华东政法大学松江校区集英楼C203室。大赛事务联系人：王文老师。联系电话：021-67790148。

“华政杯”全国法律翻译大赛组委会

2016年4月11日

第七届“华政杯”全国法律翻译大赛

初赛选手信息表

姓名		专业	
性别		年龄	
学历	（1）本科；（2）硕士；（3）博士；（4）其他		
学校		学号	
身份证号		手机	
固定电话		邮箱	

我承诺，本译文系由本人（姓名_____） 独立完成，无抄袭现象。
本人同意主办方将我的参赛译文作为教学材料使用。

日期 年 月 日

第七届“华政杯”全国法律翻译大赛

初赛试题

试题1 （586 words）

The court orders injunctive relief against the defendant and agrees to maintain jurisdiction over the case to ensure that the settlement is followed. Injunctive relief is a remedy imposed by a court in which a party is instructed to do or not do something. Failure to obey the order may lead the court to find the party in Contempt and to impose other penalties.

Plaintiffs in lawsuits generally prefer consent decrees because they have the power of the court behind the agreements; defendants who wish to avoid publicity also tend to prefer such agreements because they limit the exposure of damaging details. Critics of consent decrees argue that federal district courts assert too much power over the defendant. They also contend that federal courts have imposed conditions on state and local governments in Civil Rights Cases that usurp the power of the states.

Most civil lawsuits are settled before going to trial and most settlements are private agreements between the parties. Typically, the plaintiff will file a motion to dismiss the case once the settlement agreement has been signed. The court then issues a dismissal order and the case is closed. However, if the defendant does not live up to the terms of the settlement agreement the plaintiff cannot reactivate the old lawsuit.

In more complex civil lawsuits that involve the conduct of business or industry, and in actions by the government against businesses that have allegedly violated regulatory laws, consent decrees are regularly part of the settlement agreement. A court will maintain jurisdiction and oversight to make sure the terms of the agreement are executed. The threat of a contempt order may keep defendants from dragging their feet or seeking to evade the intent of the agreement. In addition, the terms of the settlement are public.

Certain types of lawsuits require a court to issue a consent decree. In Class Action settlements, Rule 23 of the Federal Rules of Procedure mandates that a federal district court must determine whether a proposed settlement is fair, adequate, and reasonable before approving it. Under the *Antitrust Procedures and Penalties Act*, the court must review proposed consent decrees in antitrust suits filed by the Justice Department. The statute directs the court to review certain items, including whether the decree advances the public interest.

The U.S. Supreme Court ruled in a case that consent decrees “have attributes both of contracts and of judicial decrees.” The division between contracts and judicial decrees suggests that consent decrees are contracts that

resolve some issues through the consent of the parties. However, for some issues, the decree contains judicial acts rendered by the judge, not the parties. Commentators have noted that these dual attributes require a court to determine when it is appropriate to “rubber-stamp” a proposed settlement and when it is more appropriate for the court to treat the proposal as it would any judicial order.

The federal courts have been criticized for using consent decrees to reform prison systems, school systems, and other government agencies. Some courts have maintained oversight of agencies for many years and have imposed conditions that have cost state and local governments substantial amounts of money. Congress intervened in one litigation area when it passed the *Prison Litigation Reform Act* of 1995. The law imposed strict limits on what federal courts could do in the future to improve prison conditions through the use of consent decrees. In addition, it gave government agencies the right to seek the termination of consent decrees, many of which had lasted for decades.

试题2 （380 words）

A civil penalty was a type of remedy at common law that could only be enforced in courts of law. Remedies intended to punish culpable individuals, as opposed to those intended simply to extract compensation or restore the status quo, were issued by courts of law, not courts of equity. The action authorized by this Act is of this character.

This Act does not direct that the “civil penalty” imposed be calculated solely on the basis of equitable determinations, such as the profits gained from violations of the statutes, but simply imposes a maximum penalty of $10,000 per day of violation. The legislative history of the Act reveals that United States Congress wanted the district court to consider the need for retribution and deterrence, in addition to restitution, when it imposed civil penalties. A court can require retribution for wrongful conduct based on the seriousness of the violations, the number of prior violations, and the lack of good-faith efforts to comply with the relevant requirements. It may also seek to deter future violations by basing the penalty on its economic impact. This Act’s authorization of punishment to further retribution and deterrence clearly evidences that this subsection reflects more than a concern to provide equitable relief.

In the present case, for instance, the district court acknowledged that petitioner received no profits, but still imposed a $35,000 fine. Thus, the district court intended not simply to disgorge profits but also to impose punishment. Because the nature of the relief authorized by this Act was traditionally available only in a court of law, petitioner in this present action is entitled to a jury trial on demand.

The punitive nature of the relief sought in this present case is made apparent by a comparison with the relief sought in an action to abate a public nuisance. A public nuisance action was a classic example of the kind of suit that relied on the injunctive relief provided by courts in equity. Injunctive relief for enjoining a public nuisance at the request of the Government is traditionally given by equity upon a showing of peril to health and safety. The Government, in fact, concedes that public nuisance cases brought in equity sought injunctive relief, not monetary penalties. Indeed, courts in equity refused to enforce such penalties.

试题3（393 words）

Although the idea of “degrees of negligence” has not been without its advocates, it has been condemned by most writers, and, except in bailment cases, rejected at common law by most courts, as a distinction “vague and impracticable in its nature, so unfounded in principle,” that it adds only difficulty and confusion to the already nebulous and uncertain standards which must be given to the jury. The prevailing rule in most situations is that there are no “degrees” of care or negligence, as a matter of law; there are only different amounts of care, as a matter of fact. The difficulty of classification, because of the very real difficulty of drawing satisfactory lines of demarcation, together with the unhappy history, justifies the rejection of the distinctions in most situations.

The skepticism of Prosser and Keeton about the ability of judges, juries, and commentators to intelligibly apply different degrees of negligence was preceded a century and a half ago by the United States Supreme Court. In the

1853 admiralty personal injury case (arising from an exploding boiler on a vessel), the Court complained about the distinctions claimed for classifying negligence into categories:

The theory that there are three degrees of negligence, described by the terms slight, ordinary, and gross, has been introduced into the common law from some of the commentators on the Roman law. It may be doubted if these terms can be usefully applied in practice. Their meaning is not fixed, or capable of being so. One degree, thus described, not only may be confounded with another, but it is quite impracticable exactly to distinguish them. Their signification necessarily varies according to circumstances, to whose influence the courts have been forced to yield, until there are so many real exceptions that the rules themselves can scarcely be said to have a general operation.

The Court commented that if the law furnished no practically applicable definition of the terms “gross negligence” or “ordinary negligence,” but left it to the jury to determine in each case what the duty was, and what omissions amount to a breach of it, “it would seem that imperfect and confessedly unsuccessful attempts to define that duty, had better be abandoned.” Whatever test might be used, the Court said there was gross negligence in the failure to use proper skill in the management of the boilers on the vessel.