目 Contents

北仲寄语 Sponsor's letter	<i>iii</i>
· 前言	vii
Preface 简介	ix
Author's introduction	
第一节: 語言與合同起草 SECTION ONE: LANGUAGE AND CONTRACT DRAFTING	
简介 Introduction	2
合同抑或协议:孰是孰非?	4
签订抑或签署:孰对孰错? Execute or sign: which is correct?	9
双语合同挑战多多 Language clauses and the challenges they present	14
合同条款的一致性 Reconciling contractual provisions	19
Shall 还是 musi? 关于义务的词语 Shall or musi? words of obligation	25
可以和不得May and may not	31
最大努力还是合理努力? Best efforts or reasonable efforts?	37
数字、日期与期间 Numbers, dates and time periods	42
简明平实的英语和通俗易懂的中文 Plain language in English and Chinese	48
双重否定:一个争论不休的问题 The vexed question of the double negative	53
法规名称中英辨析 Franslating the terms used to describe written law	58
暗偿与补偿	62
下页继续) (Continued overleaf)	

第二节: 法律制度與法律概念 SECTION TWO: THE LEGAL SYSTEM AND LEGAL CONCEPTS	
简介 Introduction	70
公司与企业异同辨析	72
衡平之于法律Law or equity?	77
约束力还是说服力? Binding or persuasive?	81
替代性纠纷解决方式:调解一词的英译Alternative dispute resolution: mediation or conciliation?	85
贿赂与腐败	89
误导性陈述与保证Warranties and misrepresentations	94
合同终结时	98
诚信协商条款有约束力吗?	102
非法也,违法乎?	106
转让与让与	111
修改与变更Amend or modify?	117
意向书还是备忘录? LOI or MOU?	121
责任还是义务? Duty or obligation?	126
条款和条件 Terms and conditions	130
管辖法与准据法之异同	135
约束力和强制执行力Binding and enforceable	140
连带的概念	145
合伙企业Partnership	150
无损权益Without prejudice	154
破产还是资不抵债?	158
对价	162

第三节: 法律職業	
SECTION THREE: THE LEGAL PROFESSION	
简介 Introduction	168
我庄严宣誓I solemnly swear	169
案件、事务和利益冲突 Cases, matters and conflicts of interest	173
律师的多重称谓 Terms for describing lawyers and why they matter	178
法律咨询与法律意见之异同Advice or opinion?	183
谈判	188
Negotiate	
法律服务的开放与整合	194
Liberalisation and integration of legal services	
特权	200
Privilege	
索引和目录Index and Tables	207
AH.P	
AND.	