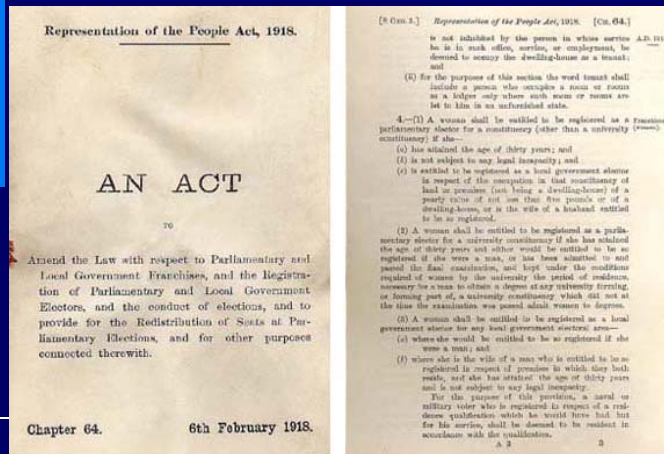


Characteristics of legal English



Different types of legal discourse

- The **legal discourse community** is made up of lawyers, judges, and all those involved in drafting laws. The 'insiders'.
- There are **different types of legal discourse (subgenres)**: e.g. the language used between **lawyer and client** or between **two lawyers**; the language of the **courts** (much of which is oral); the language of **law reports** and **academic texts** on legal matters; the language of **legal documents**.
- '**Legal language**' covers any sort of discourse which is concerned with legal matters (descriptive and prescriptive), whereas '**the language of the law**' is concerned with prescriptive legal discourse.

Foreign words and Latinisms

- “The defense was that the plaintiff was not a *de jure* officer and that a *de facto* officer is not entitled to a salary.”
- “If in case B a court with power to overrule case A says that case A is overruled, the *ratio decidendi* of case A ceases altogether to have any authority so far as the doctrine of precedent is concerned.”
- “The Czech Republic shall remove trade barriers in the coal market with the *acquis* by accession ...”

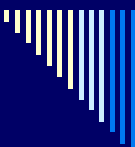
Archaic or rarely used words and expressions

- Be it enacted by the Queen’s most Excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:
- NOW, THEREFORE, in consideration of the foregoing and the respective representations, warranties, covenants and agreements set forth in this Agreement and intending to be legally bound hereby, the parties hereto agree as follows:



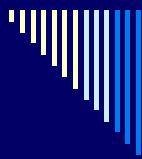
Binomials and trinomials

- ... the **terms and conditions** set forth in this agreement ...
- This is the **last will and testament** of me ...
- I give, devise and bequest all my property of every **nature and kind** ...
- ... the same may be amended, supplemented or modified in accordance with the terms hereof ...



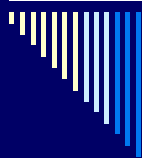
Formulaic expressions

- **Do you swear to tell the truth, the whole truth, and nothing but the truth?**
- Now, therefore, the parties agree as follows:
- I, _____, of _____ being of sound and disposing mind, do hereby make, publish and declare the following to be my Last Will and Testament ...



Frequent repetition of particular words, expressions and structures

Powers of vice-**chair** 11. Where (a) a member of a Board is appointed to be vice-**chair** either by the Assembly or under regulation 10, and (b) the **chair** of the Board has died or has ceased to hold office, or is unable to perform the duties of **chair** owing to illness, absence from England and Wales or any other cause, the vice-**chair** shall act as **chair** until a new **chair** is appointed or the existing **chair** resumes the duties of **chair**, as the case may be; and references to the **chair** in Schedule 3 shall, so long as there is no **chair** able to perform the duties of **chair**, be taken to include references to the vice-**chair**.



Long complex sentences with intricate coordination and subordination

Resolution 1786 (2007)

Adopted by the Security Council at its 5785th meeting, on 28 November 2007

- *The Security Council,*
- *Recalling* its resolution 1775 (2007) of 14 September 2007,
- *Having regard* to Article 16 (4) of the Statute of the International Tribunal for the former Yugoslavia,
- *Having considered* the nomination by the Secretary-General of Mr. Serge Brammertz for the position of Prosecutor of the International Tribunal for the former Yugoslavia (S/2007/678),
- *Recalling* that resolution 1503 (2003) of 28 August 2003 called upon the International Tribunal for the former Yugoslavia to take all possible measures to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010 (ICTY completion strategy),
- *Decides* to appoint Mr. Serge Brammertz as Prosecutor of the International Tribunal for the former Yugoslavia with effect from 1 January 2008 for a four-year term, which is subject to an earlier termination by the Security Council upon completion of the work of the International Tribunal.



Syntactic discontinuities

- If, after informing the supervisory authority concerned under subsection (3), any measures taken by the supervisory authority against the insurance undertaking are, in the opinion of the regulatory authority, not adequate and the undertaking continues to contravene this Act, the regulatory authority may, after informing the supervisory authority of its intention, apply to the High Court for such an order ...
- Developed country Members shall, if requested by other Members, provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish.



Widespread use of the passive

- The acronym EURES shall be used exclusively for activities within EURES. It shall be illustrated by a standard logo, defined by a graphic design scheme. The logo shall be registered as a Community trade mark at the Office for Harmonisation in the Internal Market (OHIM). It may be used by the EURES members and partners.
- If any term or provision of this Agreement shall be deemed prohibited by or invalid under any applicable law, such provision shall be invalidated without affecting the remaining provisions of this Agreement, the Original Agreement or the Loan Documents.

Impersonal style

- No one may be subjected to slavery, servitude or forced labour.
- Everyone has the right of access to a) any information held by the state and b) any information that is held by another person and that is required for the exercise or protection of any rights.
- When a prisoner is found guilty of an infraction of the laws of this state or the rules of the department, gain-time may be forfeited according to law.
- Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area – whether all of a country, part of a country, or all or parts of several countries – from which the product originated and to which the product is destined.

Long lists

- Long lists can be typically found in definition provisions, e.g.
- "Governmental Rule" means any statute, law, treaty, rule, code, ordinance, regulation, license, permit, certificate or order of any Governmental Authority or any judgment, decree, injunction, writ, order or like action of any court or other judicial or quasijudicial tribunal.
- "Person" means an individual, corporation, limited liability company, partnership (limited, general or otherwise), association, trust, business trust, unincorporated organization, or other entity or group.

Nominalization

Nominalization is the process by which a grammatical expression (very often a verb phrase) is turned into a noun phrase, e.g. *to apply* = *to make an application*

- An **amendment** to the Constitution of Canada **may be made** by proclamation issued by the Governor General ...
- No restrictions may be placed on **the exercise of** these rights other than those imposed in conformity with the law ...
- In **the preparation and application of** sanitary or phytosanitary measures, Members shall take account of the special needs of developing country Members, and in particular of the least-developed country Members.

Plain English

JUDGE: *The charge here is theft of frozen chickens. Are you the defendant?*

DEFENDANT: *No, sir, I'm the guy who stole the chickens.*

- legal documents ought to be plainer--and more comprehensible--to the average person
- <http://www.plainenglish.co.uk/>
- <http://www.plainenglishfoundation.com/>
- <http://www.clearest.co.uk/editorsoftware/plain-english/index.html>



Just for Fun

A new client walks into a lawyer's office.

"May I ask how much you charge ?" asks the new client.

"Of course," says the lawyer. "I charge \$500 for three questions."

"Wow !" the new client responds, "Don't you think that is a little bit high ?"

"Not at all." says the lawyer, "Now what is your third question ?"