

ENGLISH LEGAL LANGUAGE

Legal usage of language has evolved a lot and English speakers borrow terms from other languages. Many of the new terms and usages from several different legal cultures become available to all users of English legal language. Also, one legal institution can come to have several designations or one term might come to have several meanings.

1. The English legal language is characterized by:

- **Frequent use of common words with uncommon meanings:**

Action : Law suit

Counterpart: duplicate of document

Hand : signature

Letters: document authorizing one to act

Prayer: form of pleading request addressed to the court

Without prejudice: without loss of any rights

- **Tautologies:**

Breaking and entering

Final and conclusive

Pain and penalties

- **Terms of art:**

These are words having a precise and specific meaning in the legal field. The legal field abounds in terms of art and it is important to use the technical word in its proper context. Often a word which was at first argot becomes a term of art over the course of time.

Agency

Appeal

Bail

Letters patent

Dry trust

Novation

- **Argot (Jargon):**

This term referred originally to the spoken language of street vagabonds and petty crooks in France. By extension, it has come to mean the language, spoken and written, that members of any social, occupational, or professional group use to communicate with one another. Argot covers a broad range of legal vocabulary:

Alter ego

Cause of action

Stale claim

Clean hands

Without prejudice

Instant case

- **Latin terms:**

Affidavit

Alias

Ex parte

Alibi

Per capita

Status quo

Some of these attributes, such as terms of art, argot and frequent use of common words with 4 uncommon meanings characterize any legal language. Some characteristics are peculiar to the English legal language. For instance, the abundance of French and Latin phrases actively in use in the English legal language, tautologies and loan translations are hallmarks of the English legal language. These peculiarities result from historical events which took place in England centuries ago.

You also need to separate and discard verbal baggage and to recognize the difference between **terms of art** and **argot** (jargon). Indeed, Words that are not precise enough belong to the legal jargon, which is a specialized language that enables a professional group to communicate quickly and efficiently.

2. Guidelines for Clear and Effective Use of Legal Language

1. Use short sentences.
2. Put parts of each sentence in a logical order.
3. Avoid intrusive phrases and clauses.
4. Untangle complex conditionals.
5. Use the active voice.
6. Use verb clauses and adjectives instead of nominalizations.

7. Use the positive unless you want to emphasize the negative.
8. Use parallel structure.
9. Avoid ambiguity in words and sentences.
10. Choose vocabulary with care.
11. Avoid noun strings.
12. Eliminate redundancy and extraneous words; avoid over-specificity.

Activity:

1. Why do tautologies remain alive in a language? Should tautologies be avoided?
2. Rewrite the following passage in a better Legal English:
 - “Whether or not the method of gathering data would be objectionable to the reasonable person is the question that must be asked by the court.”
 - “An official file shall be established for each client. To the extent that retained copies of documents do not represent all significant actions taken, suitable memoranda or summary statements of such undocumented actions must be prepared promptly and remained in the file.”