

BRITISH LEGAL CENTRE

General Legal English Course Lesson 7

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PART 1

Legal English

The screenshot displays the website for the British Legal Centre. The browser address bar shows the URL: <https://www.british-legal-centre.com/set/legal-english-course>. The website header includes navigation links: Home, Test your English, Teachers, Services, About Us, Payment, Articles, and Contact Us. The main navigation bar features: ONLINE COURSES, LIVE TRAINING SEMINARS, DUBAI CIPD TRAINING, SUMMER SCHOOLS 2020, INTERNATIONAL CENTRES, and a search bar. The page title is "Legal English Course". A sidebar menu on the left lists: Learn the Basics, Legal English Course (selected), Legal English Vocabulary, Courses by area of Law, and Legal Writing Courses. The main content area features a video player with the text "NEVER STOP LEARNING" on a background of books and an open book. Below the video is an "OVERVIEW" section with the following text: "Most clients will assess your professional ability from your use of professional legal English - This course will help you overcome your legal English problems and expand your general legal skills and your knowledge of Contract, Commercial, Company and Financial Law at the same time. There are 2 versions of the course. The 1st is the live broadcast course of 15 lessons of 45 minutes each, followed by a self-paced version." A "BUY THE COURSE" section offers a "FREE TRIAL LESSON" and an "ADD TO CART" button. A "HOW TO BUY A COURSE" section includes a "VIDEO HELP" button.

IDIOMATIC LEGAL PHRASES

Legal Idioms, or idiomatic expressions, are one of the toughest legal English topics to master in legal English. They are complicated because, most of the time, the individual meanings of the words mean something different when used individually, rather than when used together in the idiom.

In many cases, you cannot second guess their definitions. We just have to learn them by using them.

Legal idioms are also commonly used in general English as well, as non-lawyers frequently talk about peace and order, justice, crimes, and offenses.



IDIOMATIC LEGAL PHRASES

Here are some of the most common English idiomatic expressions about law or legal matters and a little explanation about them.



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IDIOMATIC LEGAL PHRASES

at arms length = at a distance, avoiding intimacy or familiarity. - We purchased the property at arm's length and we are not involved in any management decisions.

beyond a reasonable doubt = a legal phrase meaning that something is almost certain and that the proposition being presented in court must be proven enough that there is no reasonable doubt in the mind of a reasonable person that the defendant is guilty of a crime. - The judge sent the man to jail because he believed, beyond a reasonable doubt, that the man had committed the crime.



IDIOMATIC LEGAL PHRASES

by the book = following all the rules when you do something. - Our lawyer is very good and he does everything by the book.

come clean (with someone about something) = to be completely honest with someone about something, or to confess something to someone. - The man decided to come clean with the police when he confessed everything about the crime.



IDIOMATIC LEGAL PHRASES

go on record = to make an official statement rather than an informal one. - The mayor of the city will go on record to oppose the new convention center.

not have a leg to stand on = to not have the facts to support or win an argument or a legal charge that is made against you (usually used in the negative). - The apartment manager tried to evict the young family but he did not have a leg to stand on and he lost the case in court.



IDIOMATIC LEGAL PHRASES

jump bail = to fail to appear in court and therefore give up the money that you paid for bail. - The criminal jumped bail and went to another city to live.

lay down the law = to state firmly what the rules, or laws are for something. - We decided to lay down the law regarding the vacation schedule for our employees.



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IDIOMATIC LEGAL PHRASES

put (something) down in black and white = to write something down, to make or draw up a contract. - I put my plans for the meeting down in black and white.

run afoul of the law = to get into trouble with the law. - The young man ran afoul of the law and was taken into police custody.



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IDIOMATIC LEGAL PHRASES

serve notice on (someone) = to deliver a legal announcement or document to someone. - The company served notice on the workers that they would close the factory next year.

show cause = to give a reason or explanation for something. - The lawyer was asked to show cause about why the man was guilty of the crime.



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IDIOMATIC LEGAL PHRASES

spirit of the law = something as it is meant to be and not as it is stated exactly, what the people who made the law wanted to achieve. - The judge tried to follow the spirit of the law and not only as it was written.

stand one's ground = to stand up for one's rights. - I stood my ground and refused to do anything that was not totally honest.



IDIOMATIC LEGAL PHRASES

stay of execution = a court order to temporarily stop another court order or judgement – this can be used for any kind of court order. - There was a stay of execution on the order to demolish the old house.

stretch the truth = to misrepresent the truth (usually in a small way). - The witness was stretching the truth when she told the judge her excuse for the crime.



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IDIOMATIC LEGAL PHRASES

take the law into one's own hands = to try to administer the law on your own. - The transit supervisor was taking the law into his own hands when he tried to arrest the man.

take precedence over (someone or something) = to be more important than someone or something, to have the right to come before someone or something else. - The laws about the safety of children take precedence over many other laws.



IDIOMATIC LEGAL PHRASES

with no strings attached = with no obligations attached. - The man was forced to agree to the terms of the agreement with no strings attached.

turn a blind eye to (someone or something) = to pretend not to see someone who is doing something wrong, to pretend not to see something that may be troublesome. - The police often turn a blind eye to people who cross the street on a red light.



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PART 2

Grammar

How to use and avoid legal prepositions



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PREPOSITIONS

5 Ways to Reduce Use of Prepositions

Prepositions, words that indicate relations between nouns, pronouns, and verbs (mostly small ones like *for*, *in*, *of*, *on*, *to*, and *with* but sometimes more substantial, as in the case of *beneath* or *between*), are often integral to a sentence, but writers can clutter sentences by being overly dependent on them.



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PREPOSITIONS

We should write sentences that convey our meaning and keep the reader engaged. We should write sentences that flow. That can be hard in legal writing, but we can learn. This lesson discusses two preposition problems that can spoil engaging, flowing sentences. When you use excessive prepositions and compound prepositions, you chop your sentences up and bog your reader down.



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PREPOSITIONS

Excessive prepositions

A sentence with too many prepositional phrases can become stilted and choppy *and* it is hard to read, and hard to read quickly. Consider this:

A knowledge of correct trial procedures is the duty of all of the members of the bar of this state.

This sentence has 5 prepositional phrases in 20 words. And you'll agree, I hope, that it's an awkward little thing. In fact, we don't just say it's awkward, we say it has too many prepositions.

Let's edit it to remove them:

All state-bar members must know correct trial procedure.

Now we have no prepositions and a more vigorous sentence.



PREPOSITIONS

Here's another example:

There is no current estimate of the number of boxes of records in possession of the schools.

(You think I'm making these examples up? No. This is a real sentence written by a real lawyer.)

Here we remove only four out of five prepositions – because not all prepositions are bad – and we get a stronger sentence, although we do have to add an actor:

We have not estimated how many boxes of records the schools have.



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PREPOSITIONS

When you edit your writing, look for short bursts coming at you in waves. Maybe you have too many prepositions. Look for prepositions specifically. You'll engage your readers more effectively if you cut excessive prepositions.



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PREPOSITIONS

Here are five strategies for minimizing the number of prepositions you use:

1. Eliminate Prepositions by Using Active Voice

Shifting from passive voice to active voice, as in the revision of “The watch was obviously designed by a master craftsman” to “A master craftsman had obviously designed the watch” takes a preposition out of action.

(But take care that the inversion of the sentence structure doesn't incorrectly shift emphasis or diminish dramatic effect.)



PREPOSITIONS

2. Substitute an Adverb for a Prepositional Phrase

In the writer's toolbox, adverbs are stronger tools than prepositional phrases. Revision of the sentence "The witness responded to the allegations with vehemence" to "The witness responded vehemently to the allegations" strengthens the thought and deletes the weak preposition 'with'.



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PREPOSITIONS

3. Use a Genitive in Place of a Prepositional Phrase

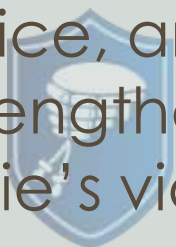
An easy test to help reduce the number of prepositions is to search for the genitive case, or a possessive form: If a sentence could use the genitive case but doesn't, revise the sentence. For example:

“She was disturbed by the violent images in the movie” gains more impact (and loses a preposition) by reversing the sentence's subject and object:

“She was disturbed by the movie's violent images.”

Combine this strategy with a shift from passive voice to active voice, and you jettison two prepositions and further strengthen the statement:

“The movie's violent images disturbed her.”



PREPOSITIONS

Use a Genitive in Place of a Prepositional Phrase

Another use of this technique is to revise a phrase including a reference to a location within a location, as in “the Museum of Modern Art in New York City,” which can be more actively and efficiently rendered as “New York City’s Modern Art museum.”



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PREPOSITIONS

4. Omit Prepositions by Eliminating Nominalizations

Writers and editors aid clarity and conciseness by uncovering nominalizations, otherwise known as buried, or smothered, verbs. In doing so, they also negate the need for a preposition. For example, the sentence “Their attempt to provide a justification of the expense was unsuccessful,” simplified to “Their attempt to justify the expense was unsuccessful,” not only transforms the verb + article + nominalization clump “provide a justification” into the streamlined verb ‘justify’ but also makes ‘of’ unnecessary. (I originally wrote “but also makes the use of ‘of’ unnecessary”, but then deleted the superfluous phrase “the use of” and thereby deleted a preposition.)



PREPOSITIONS

5. Delete Prepositional Phrases

Prepositional phrases (preposition+article+noun) provide context, but they're not always necessary. In a sentence like "The best outcome for this scenario would be an incremental withdrawal," note whether the meaning is clear without the phrase, and if so, strike it out: "The best outcome would be an incremental withdrawal."



PREPOSITIONS

By removing as many prepositions and prepositional phrases as possible we can improve our writing. Making it shorter, clearer and easier for the reader to understand.



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PART 3

Legal Vocabulary

more Legal Vocabulary



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LEGAL ENGLISH VOCABULARY

Accuse, Accusation (Noun)

Definition: To state that a person has done a bad thing, e.g. a crime, professional negligence etc.

Examples: The book-keeper was accused of stealing from the company. You are accused of Theft. This is a serious accusation.



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LEGAL ENGLISH VOCABULARY

Acquit, Acquittal (Noun)

Definition: To dismiss criminal charges after a trial has taken place.

Examples: Following a lengthy trial, the court decided to acquit my client of all charges. The trial resulted in an acquittal for our clients. The jury may acquit or convict.



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LEGAL ENGLISH VOCABULARY

Action in Rem (Latin)

Definition: A case brought in respect of a particular thing, e.g. a piece of land, rather than for a general money claim. You would use this to claim a specific item rather than just general financial compensation.

Examples: The widow brought an action in rem against the bank, for the return of her dead husband's house. This claim is an action in rem in respect of ownership of goods in my client's warehouse.



LEGAL ENGLISH VOCABULARY

Action in Personam (Latin)

Definition: A case brought in respect of a general monetary claim, e.g. damages for financial loss, rather than to recover a specific item. This is the alternative type of case from Action in Rem – where you are claiming financial compensation or damages.

Examples: The Plaintiff began an Action in personam to recover general damages for unfair dismissal from his employment. This is an Action in personam claiming damages and compensation for the damage caused to our client's company.



LEGAL ENGLISH VOCABULARY

Ad Hoc (Latin)

Definition: For one purpose only, created to do just one thing.

Examples: Following the shipping collision an Ad Hoc committee was formed to investigate the accident. This was an Ad Hoc decision taken purely in respect of these circumstances and does not affect any other cases.



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LEGAL ENGLISH VOCABULARY

Ad Litem (Latin)

Definition: At Law, for the purposes of the case.

Example: As the child was only 5 years old a Guardian ad litem was appointed to bring the case on the child's behalf. In international courts a judge is often appointed Ad Litem to deal with a special case or group of cases.



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LEGAL ENGLISH VOCABULARY

Additur

Definition: Where a trial judge adds damages additional to the amount awarded by the jury. It is not allowed in U.S.

Example: The judge added an extra Five thousand pounds to the Jury's award by way of Additur, to show his disapproval of the Defendant's behavior in breaching the contract.



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LEGAL ENGLISH VOCABULARY

Adjourn, Adjournment

Definition: To stop or defer or delay a hearing, or some other matter to another day. Frequently used in trials and court hearings.

Examples: The Court granted a 3 week adjournment for the parties to prepare for trial. We suggest that we adjourn discussions about compensation until after the damages have been assessed. The Judge adjourned the case over the lunch-break.



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LEGAL ENGLISH VOCABULARY

Bar

Definition: The legal profession for advocates. The whole of the professional body of Barristers.

Example: Law students are required to take further studies after their degree to be admitted to the Bar.



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LEGAL ENGLISH VOCABULARY

Barrister

Definition: A lawyer in the UK qualified (admitted) and allowed to speak in the higher courts in the UK.

Example: In the Supreme Court you should always try to find the best possible Barrister to represent you.



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LEGAL ENGLISH VOCABULARY

Breach

Definition: A serious breaking of conditions, usually sufficient to stop a contract from continuing.

Example: The Defendant's refusal to pay for the first delivery was a breach of contract.



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LEGAL ENGLISH VOCABULARY

Covenant

Definition: An agreement or promise between parties, a form of contract.

Example: This business purchase agreement contains a covenant not to compete by the Vendor.



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LEGAL ENGLISH VOCABULARY

Criminal law

Definition: The law relating to all the law which deals with criminal matters, penalties, sentencing etc. Everything relating to crime, detection and punishment.

Examples: In the UK Criminal Law is considered a very contentious and political matter. Or – The law on this is contained in the Criminal Law Statutes.



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LEGAL ENGLISH VOCABULARY

Crown Court

Definition: The higher criminal court in the UK where serious cases are heard.

Examples: Crimes of Robbery and Murder can only be tried at the Crown Court. Or - The case was so serious that the Magistrates sent the case to the Crown Court so a more severe sentence could be passed than they had power to impose.



LEGAL ENGLISH VOCABULARY

Corporate Veil

Definition: The anonymity which shareholders in a Limited company are entitled to.

Example: Courts rarely lift the corporate veil to enquire into the identities of the shareholders unless there has been some sort of wrongdoing.



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LEGAL ENGLISH VOCABULARY

Counter Offer

Definition: A new offer, made in reply to an earlier offer which is different from the terms of the earlier offer.

Example: When he offered to sell me the car for 20,000 I made him a counter-offer to buy it for 18,000.



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LEGAL ENGLISH VOCABULARY - EXERCISE

1. What is the legal meaning of the phrase '**Action in Rem**'?

- a) A case brought to recover monetary damages.
- b) A case brought to recover a specific item of property.
- c) The profits lost from an uncompleted contract.
- d) Any uncompleted court case.



LEGAL ENGLISH VOCABULARY - EXERCISE

2. What is the legal meaning of the phrase '**Ad Hoc**'?
- a) A loan where the security is left with the lender.
 - b) For one purpose only.
 - c) Something which is completely bad.
 - d) Until the end of time.



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LEGAL ENGLISH VOCABULARY - EXERCISE

3. What is the legal meaning of the phrase '**Ad Litem**'?

- a) In conflict.
- b) At the judge's discretion.
- c) At Law.
- d) Dishonest evidence on oath.



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LEGAL ENGLISH VOCABULARY - EXERCISE

4. What is the legal meaning of the phrase '**Corporate veil**'?

- a) Pretending the company is more valuable than in reality.
- b) Pretending your goods were produced by another company.
- c) Where the identity of the other party buying company shares is kept secret.
- d) Shareholders right to anonymity.



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Thank you for your attention

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