

The Importance of Legal English

By William Yeago

Who you communicate with decides the language you use. And how you use that language affects the image or perception others have of you. It is no longer enough to just “get by” in English. Nor is it enough to have a high level in general English, although it is certainly beneficial.

As the European Union expands and as more and more companies, organizations, institutions and firms all over the world are confronted with the multi-nationalization of business with its commercial and legal aspects, the language required of us to communicate becomes more professional and more specialized.

This has never been truer than for Legal English. But what exactly do we mean by “Legal English”? Obviously, we are not talking about learning the substantive law of the hundreds of jurisdictions all over the world. Rather we are talking about how to speak and write about the law.... what expressions, collocations express most accurately your message – the significance and precision, if you will, of your communication. It is important to emphasize that while we may use English or American law as an initial starting point or background for learning legal terminology, the command of Legal English, is not limited to Anglo-American law concepts, nor is our communication necessarily only with native speakers.

For example: A French lawyer dealing with a Japanese client will probably communicate in English. They could be conversing at an international conference, talking on the telephone, exchanging letters or sending e-mails. They may be discussing civil litigation in a French court regarding product-liability damages; or it might be a future acquisition of a Japanese subsidiary, with arbitration as the stipulated dispute resolution settlement procedure. There might be contract drafting provisions to negotiate, administrative regulatory issues to consider, pre-trial discovery motions to prepare for, or precedent cases which will have to be distinguished.

Understanding these concepts and how they are described in correct English will better enable lawyers to make comparisons to their own system, as well as to that of the party, to whom they are in contact with ... a client, a judge, governmental administrators or opposing counsel. Communicating with accuracy and precision is essential.

The simple sentence used to introduce ourselves illustrates this point appropriately: “I am a lawyer and I work for a firm”. ‘Lawyer’, ‘work’ and ‘firm’ are very general terms and are open to so many different interpretations. Are you a Barrister, Solicitor, Prosecutor, Public Defender, Corporate (in-house) Counsel, Attorney at law or Jurist? Do you litigate, plead, mediate, practice, advocate or do you advise, counsel, transact, draft legal documents or convey deeds? If you research the word ‘firm’ in a dictionary you will find listed in the definition: company, corporation, partnership, enterprise, undertaking and business entity. As you can see our simple sentence of introduction did not communicate clearly, but added to the confusion. Language between two non-native speakers is difficult enough, without the additional stress of the subtle distinctions of specialized professions, culture and legal systems.

Understanding nuance, register, tone, usage combined with expressions, terminology will enable you to choose the appropriate language, thereby affecting the image you project. To put new importance on an old expression: It’s not enough to ‘look the part’; you have to ‘sound the part’ as well.

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