

1 Introduction

Chapter

Text

Legal English is the style of English used by lawyers and other legal professionals in the course of their work. It has traditionally been the preserve of lawyers from English-speaking countries or districts (including the U.S., the U.K., Canada, Australia, New Zealand and Hong Kong of China) which have shared common law traditions. However, due to the spread of English as the predominant language of international business, as well as its role as a legal language within the European Union, legal English is now a global phenomenon.

Take the United States as an example, law is everywhere in this country. The daily newspaper and the evening news report about the latest sensational **criminal** trial, massive lawsuits, or constitutional claim. Law is everywhere, so is the language of the law. News stories, television shows, and legal transactions are filled with special words and phrases. To learn legal English well, one must study the features of legal terms or jargons first.

Law contains technical terms, but “technical” does not have to equate to “incomprehensible.” In a democratic society, law belongs not to the lawyers but to the people, and ordinary people need to be able to understand the law. That is the purpose of this chapter: to make the language of the law accessible to the layperson and the beginning student of the law.

You will encounter many unfamiliar words as you learn about law and legal procedures in the United States and other common law countries. You should ask about the meanings of unfamiliar terms that you hear in conversation or in class. If you are reading on your own, you will often be able to figure out the meaning of the term from the context of the sentence.

In many cases, words that would otherwise be familiar to you may have special meanings in the law. For example, we all know what it means to go to a party, but not everyone knows what it means to be a party to a lawsuit. We know the woman’s name “Sue” is short for “Susan,” but we also know that we can “sue” someone in court. We know that we can wear a “suit” to court and we learn that we can “**file** suit” against someone.

criminal 刑事的

file 提出（申请等）；提起（诉讼等）；呈请备案

In still other contexts, familiar words may be combined to designate concepts that are entirely unfamiliar. For example, the words “class” and “action” may by themselves be familiar. Together, however, the words “class action” designate a legal procedure that is unknown in many other countries. China has one of the few legal systems outside the United States that permits class actions. Although a number of countries have adopted procedures by which a representative may litigate on behalf of individuals with the same interests, few countries other than the United States permit class actions for large or unidentified groups of **plaintiffs**.

When you encounter an unfamiliar legal term or phrase, you should make it a habit to look up that word not only in a bilingual dictionary but also in a good, English language law dictionary. You must do this because many words that appear to be familiar will have very different meanings in American law. For example, the functions of a *notario* in Spain or Latin America are much more extensive and significant than the functions fulfilled by a “**notary**” in the United States.

When you look up a word in an English language law dictionary, you will usually learn not only that word but other words as well. By doing so, you will learn more about the legal concepts you are studying. You know already that many words have multiple meanings. Even a simple word such as “issue,” for example, can refer to:

- 1) A legal question to be decided by a court;
- 2) The process by which a judge will approve a police officer’s request for a **search warrant**; or
- 3) The children of a **testator** (someone who has written a will).

Some people say that finding alternative meaning for words is at the heart of the lawyer’s craft. Consider this quotation from John Marshall, the Great Chief Justice of the U.S. Supreme Court:

Such is the character of human language, that no word conveys to the mind, in all situation, one single definite idea; and nothing is more common than to use words in a figurative sense. Almost all compositions contain words, which, taken in... their rigorous sense, would convey a meaning different from that which is obviously intended.

You may also have the experience that the terms here are too difficult. Remember that this course is only an introduction—you will encounter these words and phrases in the future. You will have other opportunities to learn more about these terms. Do not be discouraged if you are having difficulties—you are being challenged and you can rise to meet that challenge. American law students often encounter similar difficulties as they begin their studies: Many words that were once familiar are no longer so in the context of specific legal arguments.

class action 集团诉讼；集体诉讼
plaintiff 原告
notary 公证人；公证员
warrant 授权，批准
search warrant 搜查令
testator 立遗嘱人（男）