

# General English Words in English Legal Discourse

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一般英語、司法英語、一般語義、司法語義  
general English, legal English, general sense, legal sense

## Abstract

Legal English is not only full of so called legalese but a surprisingly large number of general English words, those we use in our everyday communication. However, the way they are used in this context is quite different from that in daily use. This gap between general use and legal use causes great confusion among Japanese learners of Anglo-American law. In order to help Japanese learners I compiled, with my colleague, four legal corpora with more than one million words each as a basis for a production oriented legal English dictionary. I extracted 71 very common and basic English words and investigated how they are used in legal discourse. In this paper, I take the verb *hold* as an example and explain thoroughly its collocation, senses, and lexico-grammatical patterns when used in legal discourse. I also show a sample of how this verb should be described in our legal English dictionary.

## 1. Introduction

Bryan Garner, an expert in legal language usage and editor of many legal dictionaries, including *Garner's Dictionary of Legal Usage* (2011, xvii), writes in the preface to the first edition:

Anglo-American law has a language of its own, consisting in a vocabulary with an unusually large number of foreign phrases, archaic words and expressions, terms of art, and argot words.

He refers to one of the peculiar aspects of legal discourse which lay people feel strongly about. However, this does not necessarily mean that legal discourse is always full of unknown and unfamiliar difficult legal words. I surveyed the 1,451,263 words of UK Supreme Court Judgments delivered in 2008, and found that quite a lot of non-legal, general words are used in legal discourse. The following list of words shows these general English words which are frequently used in the UK Supreme Court's Judgments. The numbers in parenthesis after each word indicate its frequency in the Judgments I surveyed.

act (4313), action (745), address (282), adopt (512), allow (758), answer (462), apply (1858), arise (691), attempt (264), battery (164), bear (211), bill (225), bring (573), body (230), call (334), carry (468), case (5931), challenge (407), court (5600), damage (688), decide (1037), decision (2259), design (181), draw (247), due (386), employ (155), enter (373), error (115), exercise (670), express (505), favor (209), file (120), find (952), force (341), ground (1029), hear (204), hold (1425), home (659), house (1151), issue (2049), interest (955), lay (216), lead (418), lose (121), maintain (186), meet (287), note (322), office (241), officer (424), order (2479), party (973), pass (211), person (1997), practice (342), question (1956), raise (451), reach (446), read (339), reason (1744), record (203), rely (576), require (1562), review (665), right (2870), rule (1168), satisfy (666), sentence (968), service (737), test (523), title (121), turn (262), value (711), view (1237)

I checked *The Longman Dictionary of Contemporary English* (2009) (hereafter *LDCE* for short), and found that all these words are labeled either S1 or W1, which indicates they are in the top 3000 most frequently spoken/written words.

This small research finding may make some people think that, word wise, legal discourse is not so incomprehensible as many people complain. But things are not so

easy in the case of legal discourse. Although these words look familiar, this does not necessarily mean that they are used in the same sense in legal discourse as they are used in general discourse. For example, the noun *action* is a very common noun both in general discourse and legal discourse, but the sense of this word is quite different in these two discourses. *LDCE* lists seven definitions of *action*. The first definition is as follows:

1 **DOING STH** [U] the process of doing something, especially in order to achieve a particular thing:

The legal use of this word is listed in sixth place in *LDCE* as follows:

6 **LEGAL** [C,U] a legal or formal process to decide whether someone has done something wrong:

Meanwhile, *Black's Law Dictionary* (1999) defines *action* as follows:

1. The process of doing something; conduct or behavior.
2. A thing done; act (1).
3. A civil or criminal judicial proceeding.

The verb *enter* is another example. Among the ten definitions listed in *LDCE*, the first nine of them are general senses and the tenth one is a legal sense. The first definition and the tenth legal definition are as follows:

1 **GO INTO** a) [I,T] to go or come into a place:...b) [T] if an object enters part of something, it goes inside it:

10 **OFFICIAL STATEMENT** [T] formal to make an official statement:

*Black's Law Dictionary* (1999) defines *enter* as follows:

1. To come or go into; esp., to go onto (real property) by right of entry so as to take possession.
2. To put formally before a court or on the record.
3. To become a party to.

For Japanese students of law who start learning Anglo-American law for the first time, these general words used in a legal sense are very confusing. They look familiar, but their meanings are different.

Dr. Masayuki Tamaruya, Associate Professor of the Department of Law, Rikkyo University, and I started a project to compile a production oriented legal English dictionary for Japanese students who will study or are studying law at graduate school level institutions in English speaking countries. The aim of our project is to try to reduce the English language handicap Japanese students have, and help them compete on an equal footing with other students from other countries. Our project is supported by the Japan Society for the Promotion of Science (Grant-in-Aid for Scientific Research (B); #23320119).

## **2. Objectives, Data, and Methodology**

### **2. 1. Objectives**

The objectives of this paper are: to see how general English words are used in legal discourse, and to illustrate from the viewpoint of ESP how they should be described in our production oriented legal English dictionary.

### **2. 2. Data**

The data I am going to use in this paper are those Dr. Tamaruya and I collected for the project to compile a production oriented English legal dictionary for Japanese students of law. The details are as follows:

UK Supreme Court Judgments in 2008 (hereafter, shortened for UKJG): 1,451,263 words

UK Law Journals in 2008 (hereafter, shortened for UKLJ): 1,267,048 words

US Supreme Court Judgments in 2008 (hereafter, shortened for USJG): 1,574,403 words

US Law Journals in 2008 (hereafter, shortened for USLJ): 1,303,223 words

We downloaded the above UK Supreme Court Judgments and US Supreme Court decisions from the official government sites shown below:

<http://www.supremecourt.gov.uk/>

<http://www.supremecourt.gov/>

We downloaded the following UK and US Law Journals:

#### US 2008 Law Journals

Harvard Law Review (2008), Stanford Law Review (2008), Columbia Law Review (2008), Yale Law Journal (2008), The University of Chicago Law Review (2008), New York University Law Review (2008), Michigan Law Review (2008), University of Pennsylvania Law Review (2008), California Law Review (2008), Virginia Law Review (2008), Duke Law Review (2008), Northwestern University Law Review (2008), Cornell Law Review (2008), Georgia Law Review (2008)

#### UK 2008 Law Journals

Cambridge Law Journal (2008), Oxford Journal of Legal Studies (2008), Law Quarterly Review (2008), Edinburgh Law Review (2008), Modern Law Review (2008)

I used the British National Corpus (BNC) as a representative source of general English to compare with the legal English compiled from the above four legal corpora. I used the corpus software *Sketch Engine*.

### 3. General English words in a legal sense in legal discourse

In order to examine how general English words are used in a legal sense in legal discourse, it is necessary to clarify the meaning of the following three phrases: general English words, legal English words, and legal sense.

#### 3. 1. General English words

General English words are the English words we use in our daily lives for our everyday purposes. Michael West, who published *A General Service List of English Words* (1953) chose 2060 English words for English language teaching/learning. G. B. Jeffery emphasized the importance of selecting vocabulary for systematic English language teaching in the foreword (p. v) of the above book as follows:

To find the minimum number of words that could operate together in constructions capable of entering into the greatest variety of contexts has therefore been the chief aim of those trying to simplify English for the learners. Various criteria have been employed in choosing the words, but the dominant activity throughout the period among all those concerned with systematic

teaching of English has been vocabulary selection.

West said in "explanation" (p. vii) that he chose 2060 English words based on frequency, ease or difficulty of learning, necessity, cover, stylistic level, intensity and emotional force.

General English words can also be discussed from another point of view, namely from the perspective of English for special purposes. Hutchinson and Waters (1987, 53) explain the nature of ESP from the viewpoint of need analysis as follows:

What distinguishes ESP from General English is not the existence of a need as such but rather an awareness of the need. ...it is not so much the nature of the need which distinguishes the ESP from the General course but rather the awareness of a need.

Jornan (1997, 2-3) illustrates three purposes for learning English: English for General Purposes (EGP), English for Specific Purposes (ESP), and English for Social Purposes. He explains that EGP is "for no particular purposes, e.g. school exams (or TENOR)", and that English for Social Purposes is "for conversational purposes, and communicative situations, e.g. shopping, letter-writing, telephoning and 'survival English'". He further explains that TENOR is "the Teaching of English for no Obvious Reasons", no reason obvious to the learner". Johnson and Johnson (1998, 138) define EGP as follows:

**general purpose English** (EGP) is polarized with ESP...to refer to contexts such as the school where needs cannot readily be specified. This view is misleading, since purpose is always inherent. EGP is more usefully considered as providing a broad foundation rather than a detailed and selective specification of goals

The above arguments on EGP and ESP help us understand the nature of general English words. They also help us set up the criteria for selecting or identifying general English words.

Having reviewed some arguments on general English words, I would like to propose the following three criteria that need to be satisfied to be recognized as general English words:

- 1) The words general English dictionaries label as high frequency words
- 2) The words whose senses are mostly defined as non-technical
- 3) The words typically taught in EFL or ESL class settings

The 71 words I listed in Section 1 meet all the above three criteria. Nevertheless, they are frequently used in legal discourse in a legal sense.

### 3. 2. Legal English words

Legal English words are the words used primarily in legal discourse for technical purposes. Nation (2001, 198) defines a technical word as follows:

a technical word is one that is recognisably specific to a particular topic, field or discipline.

Nation (2001, 198-9) classifies technical words into four categories depending on their degrees of 'technicalness' as follows:

Category 1. The word form appears rarely if all outside this particular field.

Law: *jactitation, per curiam, cloture*

Applied Linguistics: *morpheme, hapax legomena, lema*

Category 2. The word form is used both inside and outside this particular field but not with the same meaning.

Law: *cute* (to appear), *caution* (vb)

Applied Linguistics: *sense, reference, type, token*

Category 3. The word form is used both inside and outside this particular field, but the majority of its uses with a particular meaning though not all, are in this field. The specialized meaning it has in this field is readily accessible through its meaning outside the field.

Law: *accused* (n.), *offer, reconstruction* (of a crime)

Applied Linguistics: *range, frequency*

Category 4. The word form is more common in this field than elsewhere. There is little or no specialization of meaning, though someone knowledgeable in the field would have a more precise idea of its meaning.

Law: *judge, mortgage, trespass*

Applied Linguistics: *word, meaning*

Nation gives four typical examples of technical fields: law, applied linguistics, economics, and computing. I only list two fields for reference, namely Law and Applied Linguistics. It is interesting that his first choice is law, which seems to reflect many people's preconception that law is a highly technical field.

A very basic question may arise: which category do the words shown in Section 1

belong to? Probably, Category 4 which deals with the least technical terms would be the closest, but the words in the lists do not seem more common in the field of law than elsewhere. If the words *judge*, *mortgage*, or *trespass* suggest “little or no specialization of meaning”, I do not think any people would recall any legal sense or legal use when they saw words like *action* or *enter* if those words were presented out of context. It would be better if we set up a new additional category, Category 5, in order to treat appropriately the general English words that are used in a legal sense in legal discourse.

Category 5. The word form is more common outside this particular field. It is difficult even for someone knowledgeable in the field to recognize its specialized meaning if it is presented separately.

Law: action, enter

The 71 words in Section 1 are all classified under this new category 5.

### 3. 3. Legal sense

It is relatively easy to distinguish a legal sense from general senses. This is because most dictionaries specify which definition is a legal sense. For example, *LDCE* attaches the label *law* to “a word with a technical meaning used by lawyers, in legal documents etc.” Let us take the word *party* as an example and see how the legal sense is described in *LDCE*. Five definitions of *party* are listed there and the last one is a legal sense.

#### **party**

4 IN AN ARGUMENT/LAW *law or formal* one of the people or groups who are involved in a legal argument or agreement: *helping the two parties to reach an argument* | **guilty/innocent party** *He sees himself as the innocent party in this dispute.*

*The Oxford English Dictionary* (1989) (hereafter *OED* for short) uses the label *Law* to indicate a legal sense. I used the “Advanced Search” function in the electronic version of *OED* and got a total of 26,207 matches and 13,070 entities labeled as *Law*. I had checked all of them and found that 3,183 definitions in 2,806 words are law uses. Many of them are either infrequent or never used in present day legal discourse, but some senses such as that shown below are very important for our legal English dictionary. The following description is the 17th meaning of the word *find*, another general English word commonly used in a legal sense in legal discourse.

**find**, v.

17.II.17 *Law*. †a.II.17.a *intr.* To determine. (Only in OE.)

b.II.17.b †To determine and declare (an offence) to have been committed (*obs.*); to determine and declare (*an issue*) to be (so and so).

c.II.17.c To determine and declare (a person) *guilty* or innocent.

d.II.17.d To agree upon and deliver, 'bring in' (a verdict). Also with obj. sentence introduced by *that*.

e.II.17.e To ascertain the validity of (an indictment, etc.). *to find a (true) bill*: see bill n.3 4.

Among the five sub definitions in the 17th meaning of the word *find*, the first two meanings, **a** and **b**, are obsolete, or out of use. The sub definitions **c**, **d**, **e** are present day legal senses.

## 4. *Hold* — an example of a general English word used in a legal sense in legal discourse

In this section I would like to demonstrate how general English words should be described in our legal English dictionary. I will take the word *hold* as an example. Let's examine if the verb *hold* is appropriate for inclusion in our legal English dictionary.

### 4. 1. Is *hold* a general English word?

In order for the word *hold* to be chosen as a candidate word for our dictionary, it should be a general English word. Let us see if *hold* satisfies the three criteria I discussed in Section 3.1.

#### 4. 1. 1. Do general English dictionaries label *hold* as a high frequency word?

The first criterion is whether *hold* is a high frequency word. Let us see how four well-known general English dictionaries for EFL/ESL learners classify this word. *LDCE* classifies *hold* as being in the top 1000 spoken and written words. *Collins COBUILD Advanced Dictionary of English* (2009) (hereafter *COB* for short) gives three diamonds ◆◆◆ to indicate that *hold* is one of the most frequent words. *Oxford Advanced Learner's Dictionary* (2010) (hereafter *OALD* for short) chooses *hold* as one of the "Oxford 3000, the most frequent and useful 3000 English words for learners of English". *The Wisdom English-Japanese Dictionary* (2013) (hereafter *WISDOM* for short) classifies *hold* as one of the 1300 most basic English words which are relevant to the words learned in junior high school. All these suggest that *hold* is considered as one of general English words.

#### 4. 1. 2. Is *hold* mostly used in general senses in general discourse?

The word should be used mostly in general senses in general discourse and the use in its legal sense should be very uncommon in general discourse. It is this characteristic of unfamiliarity in a legal sense in general discourse that causes great confusion among Japanese learners of law when it is used in a legal sense in legal discourse.

Let us see how English dictionaries define the senses of this verb. *LDCE* lists 19 definitions in total and 20 typical phrasal usages. The eighth definition is related to the legal sense of use.

8 **OPINION** to have a particular opinion or belief: *Experts hold varying opinions as to the causes of the disease.*| **be widely/generally/commonly held** (=be the opinion of a lot of people) *This view is not widely held.*| **be held to be sth** *She was held to be one of the most talented actors of her time.*| **hold that** *The judge held that the child's interests in this case must come first.*

*COB* sorts the usages of this verb into the following five main categories:

- ① PHYSICALLY TOUCHING SUPPORTING, OR CONTACTING
- ② HAVING OR DOING
- ③ CONTROLLING OR REMAINING
- ④ PHRASES
- ⑤ PHRASAL VERBS

The second definition, under ② HAVING OR DOING above is the closest to the legal use. It defines the sense and the usage of *hold* in this use as follows:

1 **Hold** is used with words and expression indicating an opinion or belief, to show that someone has a particular opinion or believes that something is true.  
□ *He holds certain expectations about the teacher's role... Current thinking holds that obesity is more a medical than a psychological problem... The public, meanwhile, hold architects in low esteem. ...a widely held opinion.*

The second example sentence with a *that* clause in its direct object position is a typical legal use, but the topic of the above example is not particularly related to legal issues.

*OALD* lists 23 different definitions. Definitions 16 and 17 under the signpost<sup>1)</sup> of **opinion** shown below are the closest to the legal use.

**opinion**

**16** [T] to have a belief or an opinion about sb/sth:

~ **sth** *He hold strange views on education.*

~ **sb/sth + adv./prep./adj.** *She is held in high regard by her students (= they have a high opinion of her).*

*firmly-held beliefs*

**17** [T] (*formal*) to consider that sth is true:

~ **that...** *I still hold that the government's economic policies are mistaken.*

~ **sb/sth + adj.** *Parents will be held responsible for their children's behavior.*

**be held to be sth** *These vases are held to be the finest examples of Greek art.*

It is interesting that the word *hold* itself is given the key symbol of the *Oxford 3000* indicating this word is important and useful in terms of frequency, range, and familiarity<sup>2)</sup>, but not in the above two definitions and usages. This strongly indicates that the verb *hold* is very common but not in the above two senses and usages.

*WISDOM* lists 13 definitions of *hold* in total in its transitive verb use, and definition 10 b shown below is the closest to the legal use.

**6 b** (かたく) (! 進行形にしない) [~ that 節] ... だと思ふ [考える]; (裁判所が) ... と判示 [判断] する、判決で述べる: [~ A (to be) C/to do] A を C だと [... すると] 思う [考える] (!) C は形; しばしば受け身で) ▲ *They hold that the world is flat. 彼らは地球が平らであると考えている / Dog owners will be held responsible for their pets. 犬の飼い主はそのペットに対して責任があるとみなされるだろう / He is held to be one of the greatest scientists of the century. 彼は今世紀の最も偉大な科学者の一人とされている。*

All the above four dictionary descriptions indicate that *hold* is commonly used in general senses, and its use in a legal sense is infrequent, unfamiliar, and limited in general discourse.

#### 4. 1. 3. Is *hold* frequently used in legal discourse?

This general word is very frequently used not only in general discourse but also in legal discourse. The following research results show how common *hold* is in both discourses.

**Table 1. Frequency counts of hold per million**

BNC:	414.8
UK JG:	981.9
UK LJ:	752.1
US JG:	911.5
US LJ:	646.1

It is interesting that the verb *hold* is about two times more frequent in all the legal corpora than in the BNC.

So far we have discussed the following questions to see if *hold* is suitable for our legal dictionary.

- 1) Is *hold* a general English word?
- 2) Is *hold* mostly used in general senses?
- 3) Is *hold* frequently used in legal discourse?

The answers are all yes. That is to say: *hold* is a general English word commonly used in general senses in general discourse, but it is also frequently used in legal discourse. This wide variety of use of this verb perplexes Japanese learners.

#### 4. 2. How is *hold* used in legal discourse?

If *hold* is frequently used in legal discourse, how is it used? I will try to answer this question from the viewpoint of collocation, lexico-grammatical patterns, and *hold* with a *that* clause.

**Table 2. The nouns in the direct object position of *hold* (per million)**

BNC: <i>meeting</i> 9.1, <i>hand</i> 5.8, <i>election</i> 5.7, <i>talk</i> 4.7, <i>conference</i> 3.7, <i>position</i> 3.4, <i>office</i> 3.4, <i>breath</i> 2.9, <i>post</i> 2.5, <i>share</i> 2.1
UK 2008 JDG: <i>information</i> 42.8, <i>opinion</i> 13.1, <i>procession</i> 8.3, <i>property</i> 8.3, <i>asset</i> 7.6, <i>investigation</i> 7.6, <i>belief</i> 5.5, <i>inquest</i> 4.8, <i>meeting</i> 4.8, <i>inquiry</i> 4.1, <i>datum</i> 4.1, <i>lease</i> 4.1, <i>office</i> 3.5, <i>premise</i> 3.5
UK 2008 LJ: <i>property</i> 14.2, <i>view</i> 13.4, <i>belief</i> 10.2, <i>inquiry</i> 4.7, <i>asset</i> 4.7, <i>plaintiff</i> 4.7, <i>detainee</i> 3.9, <i>office</i> 3.9
US 2008 JDG: <i>election</i> 8.3, <i>hearing</i> 7.6, <i>title</i> 5.7, <i>citizen</i> 3.2, <i>alien</i> 3.2, <i>land</i> 3.2
US 2008 LJ: <i>firm</i> 16.2, <i>office</i> 13.1, <i>hearing</i> 9.2, <i>corporation</i> 7.7, <i>election</i> 5.4, <i>meeting</i> 5.4, <i>position</i> 4.6, <i>view</i> 4.6, <i>context</i> 4.6, <i>entity</i> 3.9, <i>business</i> 3.9

#### 4. 2. 1. Collocation

In order to find what kind of words the verb *hold* is used with, I surveyed the words that occur in the direct object position of *hold*.

The above table shows that the direct object nouns *hold* takes in general discourse are concrete physical objects (e.g. *hand, breath*), on the other hand in legal discourse its direct objects are something more abstract (e.g. *information, property, asset, datum, title*). Ideas and thoughts (e.g. *opinion, view, belief*) are likely to be the direct objects in legal discourse. Nominalized verb forms (e.g. *procession, investigation, inquest, inquiry*) frequently co-occur in legal discourse. Business related technical terms (e.g. *firm, corporation, entity*) are particularly frequent in US LJ. Those words co-occur with a limited number of adverbs like *closely, publicly, privately, and widely* as follows:

##### **firm**

*closely held firms* (20/21), *privately held firms* (1/21)

Delaware is becoming more dependent on attracting smaller, closely held firms. (US LJ)

##### **corporation**

*closely* (3/10)/*publicly* (2/10)/*privately* (1/10)/*widely* (1/10) *held*

corporation particularly in the context of closely held corporations. (US LJ)

##### **entity**

*closely held entities* (5/5)

the benefits of chartering in Delaware come at a far lower price for closely held entities. (US LJ)

The word *firm* is used as the direct object of the verb *hold* 21 times in US LJ, and 20 of them co-occur with the adverb *closely*, typically as *closely held firm*. As shown above, business related organization words are often used in the same syntactic structure [adverb + *held* + organization]. This kind of conventional fixed language use is one of the characteristics of legal English.

#### 4. 2. 2. Lexco-grammatical patterns

The lexco-grammatical patterns of legal English are rather limited compared with those of general English. There are many conventional or stereotypical set phrases repeatedly used in legal discourse. I will take a noun, *information*, as an example and show how *hold* is actually used in legal discourse.

The word *information* is the most frequently co-occurring with the verb *hold*, 62 times in our four legal corpora. Among these 62 occurrences, 39 are used in the passive voice, and 23 in the active voice. Of these 39 passive usages, 38 are used in short passive constructions. Interestingly enough, of these 38 short passives, 21 are used in the same passive construction i.e. “information held by...authority”, and 13 are in another stereotypical phrase “information held for the purpose(s)...”. I summarize how the noun *information* is used with the verb *hold* in legal discourse below:

**information** (total occurrences 62)

Passive voice: 39

short passive: 38

*held by*: 21

*held by...authority*: (14/21)

eg. both the United Kingdom and Scottish Acts covered all the recorded

information held by a public authority.(UK, JD)

*held for*: 13

*held for...purpose*: (13/13)

eg. It is information held for the purposes of the management of the BBC's journalism.(UK LJ)

others: 3

long passive; 1

Active voice: 23

**4. 2. 3. Hold with a *that* clause**

One of the most noticeable syntactic structures of *hold* in legal discourse is *hold* taking a *that* clause in its direct object position. This syntactic pattern is extremely common in legal discourse as you see below:

**Table 3. The frequency of *hold that* per million**

eg. <i>The Court held that she was a purchaser for valuable consideration,</i>	
BNC:	19.2
UK 2008 JDG:	362.4
UK 2008 LJ:	319.6
US 2008 JDG:	537.3
US 2008 LJ:	242.5

When *hold* takes a *that* clause, the subject noun phrases are limited to those indicating legal authorities. As the list below indicates, the choice is typically either *court*, legal institute, or *Lords*, legal experts. Thus, it is possible to summarize this stereotypical syntactic structure of *hold* + *that* clause as a fixed pattern of [*court/Lords* + *hold* + *that* clause].

**Table 4. Frequency counts of the subjects of *hold* with a *that* clause (per million)**

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BNC:	<i>court</i> 4.1, <i>judge</i> 0.5, <i>J.</i> 0.4, <i>I</i> 0.4, <i>lordship</i> 0.1, <i>lord</i> 0.3, <i>J</i> 0.1
UK JG:	<i>court</i> 86.9, <i>I</i> 29.0, <i>House of Lords</i> 14.5, <i>J</i> 13.1, <i>judge</i> 11.0, <i>lord</i> 9.7, <i>LJ</i> 8.3, <i>majority</i> 6.2
UK LJ:	<i>court</i> 89.8, <i>House of Lords</i> 25.2, <i>majority</i> 12.6, <i>LJ</i> 11.8, <i>Lord</i> 11.8, <i>J.</i> 10.2
US JG:	<i>court</i> 179.0, <i>we</i> 156.1, <i>Circuit</i> 21.6, <i>majority</i> 7.0
US LJ:	<i>court</i> 120.8, <i>circuit</i> 18.5

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The above research results strongly imply that particular words and grammatical structures are conventionally chosen to express technical content, and since they are repeatedly used, those expressions become practically set phrases.

#### 4. 2. 4. Phrasal verb use

Finally let us look at the phrasal verb use of *hold*. As we know well, *hold* is often combined with particles such as *back*, *on*, *out*, *up*, to make various kind phrasal verbs. This type of phrasal usage is common in general discourse but infrequent in legal discourse. In the UK Judgments and US decisions there are none.

**Table 5. Frequency counts of phrasal verbs (intransitive use) (per million)**

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eg. *Hold up and stand still.*

BNC:	<i>hold on</i> 9.7, <i>hold back</i> 3.4, <i>hold up</i> 5.1, <i>hold out</i> 3.8
UK 2008 JG:	NONE
UK 2008 LJ:	<i>hold out</i> 3.9
US 2008 JG:	NONE
US 2008 LJ:	<i>hold out</i> 1.5

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**Table 6. Phrasal verbs (transitive use) (per million)**

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eg. *He held up his hand.*

BNC:	<i>hold out</i> 9.8, <i>hold up</i> 9.9, <i>hold back</i> 4.0, <i>hold down</i> 3.1
UK 2008 JG:	NONE
UK 2008 LJ:	<i>hold up</i> 2.4, <i>hold out</i> 1.6
US 2008 JG:	NONE
US 2008 LJ:	<i>hold up</i> 3.1

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## 5. Its description in our legal dictionary

When we put the results of all the discussions we have held so far about the use of *hold* in legal discourse in the form of a legal English dictionary entry, the results would be like this:

**hold** (UKJG: 981.9, UKLJ: 755.3, USJG: 911.5 , USLJ: 646,1)(per million)<sup>①</sup>

### 1. 1 **judge, decide**<sup>②</sup>

[V that]<sup>③</sup> *We **hold that** no such claim may be brought.*(US JD)<sup>④</sup> *The court **held that** the unsuccessful arbitration did not preclude the federal lawsuit.* (US JD)

### 1. 2 **having information, data; view, belief, opinion, etc.**<sup>②</sup>

[V n]<sup>③</sup> *both the United Kingdom and Scottish Acts covered all the recorded **information held** by a public authority.*(UK, JD) *It is **information held** for the purposes of the management of the BBC's journalism.* (UK LJ) *In so far as it **hold information** in respect of certain activities,...* (UK, JD) *This article will challenge this widely **held view** by contrasting the German and American systems of pre-trial investigations.* (UK LJ) *So it was not unlawful to discriminate against someone precisely because he had once **held that opinion**.* (UK, JD)

### 2. **owing property, asset, title, land, etc.**<sup>②</sup>

[V n]<sup>③</sup> *Their Lordships agreed that where **property is held** by legal co-owners,* (UK LJ) *the applicant demonstrably **held assets** whose provenance could not be established* (UK JD)

### 3. **organizing hearing, election, meeting, etc.**<sup>②</sup>

[V n]<sup>③</sup> *Congress **held hearings** and pieced together potential legislation.* (US LJ) *but only a single **election was held** during that period.* (US JD)

### 4. **doing the action of inquiry, procession, investigation, inquest, inquiry, etc.**<sup>②</sup>

[V n]<sup>③</sup> *An **inquiry was held** under this Ordinance to establish the identity and places of birth of the prisoners.* (UK LJ) *So the proposal to **hold the procession** there was exempted from the notification requirement by section 11(2).* (UK JD)

### 5. **remaining a plaintiff, detainee, alien, citizen, etc. under control**<sup>②</sup>

[V n]<sup>③</sup> *By **holding the plaintiff** to this representation, the plaintiff's autonomy is equally respected.* (UK LJ)

① The frequencies of *hold* in the UK Supreme Court Judgments, UK Law Journals, US

Supreme Court decisions, and US Law Journals are shown, so that learners can tell in which regions and in which genres the word *hold* is more frequently used.

- ② The definitions are listed from the most frequent to the least.
- ③ The syntactic structure is given to show the way the defined meaning is expressed.
- ④ The typical usages in the same sense in the same structure are taken from the legal corpora. The typical collocation and grammatical patterns are emphasized in bold.

### Notes

- 1) LDCE (2009: xii) explains signpost as "If a word has a lot of different meanings, signposts help to guide you quickly to the meaning you want.
- 2) The key words of the Oxford 3000 have been carefully selected by a group of language experts and experienced teachers as the words which should receive priority in vocabulary study because of their importance and usefulness....The most useful parts of the entries (particular parts of speech, meanings, phrasal verbs and idioms) are marked with a key symbol.

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