

Synonyms in Legal Discourse:

A Corpus-based Approach to a New Legal English Dictionary

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類義語、司法英語、コーパス、発信型、司法英語辞書

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Abstract

Legal discourse is full of legal synonyms. Students of law need to spend an enormous amount of time and energy to understand them accurately and to become able to use them properly. This paper aims to set up a model example of a corpus-based, production-oriented legal English dictionary for the non-native English-speaking students of law in order to help them reduce the handicap of learning legal English and to encourage them to compete with the students from different countries in colleges and universities in English speaking countries. With the typical seven legal synonyms: *decision*, *decree*, *finding*, *judgment*, *ruling*, *sentence* and *verdict*, I will review how they are treated in thesauruses, general English dictionaries, and law dictionaries. Then I will take up *verdict* as an example and demonstrate how this legal technical term is actually used in legal discourse. Finally, I will show a sample model description of *verdict* in the dictionary.

1. Introduction

1. 1. Synonyms in legal discourse

Legal discourse is full of synonymous words. The words we use almost interchangeably in our daily lives are strictly distinguished and used as separate technical terms. The following two groups of words, for example, look similar in meaning, and for those who have not received professional legal education it is difficult to distinguish the one from the other.

(1) *prison, jail, gaol, lockup, penitentiary*

(2) *lawyer, solicitor, barrister, counselor, attorney*

How many laypersons can explain how the following terms are different in meaning, and can use them correctly in legal discourse?

(3) *act, bill, bylaw, code, decree, edict, enactment, law, ordinance, regulation, rule, statute*

Technical discourse in every academic and professional field is inevitably and unavoidably needed to adopt synonymous words to distinguish seemingly similar but technically different phenomena for the sake of accuracy. Legal discourse is no exception. For example, in law three different terms are intentionally employed to distinguish three different types of crimes involving the killing of others, and the different definitions are as follows (*Black's Law Dictionary*, 2004):

homicide: The killing of one person by another.

murder: The killing of a human being with malice afterthought.

manslaughter: The unlawful killing of a human being without malice afterthought.

One of the first things the students of law need to do is to become able to distinguish how such technical terms are different from each other.

The purpose of this paper is to explore how these legal technical terms that are seemingly similar in meaning to laypersons (hereafter referred to as legal synonyms) are explained in thesauruses, general English dictionaries, and law dictionaries. Then, I propose a new type of corpus-based, production-oriented legal English dictionary to help non-native, English-speaking law students understand and use legal synonyms properly.

1. 2. Corpus-based, production-oriented legal English dictionary for non-native, English-speaking law students

Masayuki Tamaruya of the Law Department of Rikkyo University and I started a project of compiling a corpus-based, production-oriented legal English dictionary for Japanese law students in 2011. The entire objective of our project is to help Japanese law students who are working to earn a law degree or who are preparing for the bar exams in English-speaking countries. The reason we started this project was because we found that Japanese law students need to spend an enormous amount of time and energy familiarizing themselves with legal English or legal use of English before they are fully embarked on learning law. Japanese law students typically learn legal technical terms or legal expressions randomly; that is, they learn them in the order they encounter them. They do not know how frequently those legal terms are actually used in legal discourse while they are learning them. In short, the learning of new legal terms is time-consuming and inefficient.

Even if Japanese law students acquire enough legal English after the long process of trial and error, their knowledge of legal English remains in themselves and it cannot be shared with other Japanese law students. Consequently, every Japanese law student repeats basically the same learning process. We think this is very unproductive and a waste of time. We believe that by accumulating the knowledge of legal English in the form of a legal dictionary we can pass on the legal English knowledge the former generation of the Japanese students has faced to the next generation in order to help the forth-coming generation start from the stage where the former generation finished.

2. Objectives, Data, and Methodology

2. 1. Objectives

The objectives of this paper are twofold. First, we investigate how legal synonyms are shown and explained in thesauruses, general English dictionaries and law dictionaries. Second, we propose a model example of how these legal synonyms will be featured in our corpus-based, production-oriented legal dictionary.

The legal synonyms discussed are:

decision, decree, finding, judgment, ruling, sentence, verdict.

These seven legal synonyms all designate the judicial conclusion of the legal case.

2. 2. Data

I am going to use the following corpus data which Tamaruya and I collected for the project of compiling a corpus-based, production-oriented legal dictionary. This project is supported by the Japanese government Grants-in-Aid for Scientific Research (#90180207). The corpora I am going to use in this paper are as follows:

UK Supreme Court Judgments issued in 2008 (UK JDG): 1,451,263 words

US Supreme Court Judgments issued in 2008 (US JDG): 1,574,403 words

UK law journals issued in 2008 (UK LJ): 1,267,048 words

US law journals issued in 2008 (US LJ): 1,303,223 words

We downloaded the above data from the following official sites:

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

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

UK law journals we used to compile our UK Law Journal Corpus are:

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

US law journals we used to compile our US Law Journal Corpus are:

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)

2. 3. Methodology

I am going to use the corpus software *Sketch Engine* and some statistical indexes built into the software.

3. Legal synonyms in conventional dictionaries

3. 1. Thesauruses

Synonyms are traditionally dealt with in a thesaurus^{1, 2)}. A thesaurus is a collection of groups of different words having similar meanings. Many thesauruses have been published since 1805 when Peter Mark Roget first compiled an original form of the present day thesaurus, but almost all of them are basically edited on the same principle: grouping together the words that have similar meanings. They do not explain how the listed words in the same group are different from each other, nor show how they are actually used in the real world. Kipfer (2001: xiii) aptly explains what a thesaurus is for, in contrast with a dictionary as follows:

A dictionary will tell you many things about a word—spelling, pronunciation, meaning, and origins. You use a thesaurus when you have an idea but do not know or cannot remember, the word or phrase that expresses it best or when you want a more accurate or effective way of saying what you mean.

Below is an example entry of a legal term in a traditional thesaurus. *Longman Synonym Dictionary* (1979) lists 20 synonyms of *verdict* as follows:

verdict, *n.* decision, final decision, judgment, adjudication, *Law.* award, *Sport.* call; determination, resolution, settlement, arbitration, arbitrament; finding, conclusion, *Law.* opinion, ruling, *Law.* sentence, decree, edict, order, command.

These 20 synonyms are divided into three subsections where we can find semantically more coherent synonyms. On the other hand, *Collins Thesaurus the Ultimate Wordfinder from A to Z* (1995) lists seven synonyms of *verdict*, and arranges them in alphabetical order as follows:

verdict adjudication, conclusion, decision, finding, judgment, opinion, sentence

Although the number of synonyms and the way they are arranged are different in these two thesauruses, the approach is basically the same: showing a list of words or phrases of similar meaning. Yet, users cannot understand how these synonyms are used and how they should use these synonyms in legal discourse.

Recent thesauruses are more user-friendly in that some of them show how the headword is used. *Concise Oxford Thesaurus* (2002) lists an example phrase or an example

sentence of some headwords. *Oxford Thesaurus of English* (2009) (hereafter *OTE* for short) attaches an example use for each sense of the headword taken from *the Oxford English Corpus*. The example use is shown in italics and the closest synonym in meaning is in bold. Let us see how the seven legal synonyms we are investigating are shown in the *OTE* below. Due to space limitations, I will only list the group of the words used in the legal sense with which we are concerned.

decision NOUN 2 *they're delighted with the judge's decision:* **verdict**, finding, ruling, recommendation, judgement, pronouncement, adjudgement, adjudication, arbitration; sentence, decree, order, rule, injunction; findings, results; Law determination; N. Amer. resolve; rare arbitrament.

decree NOUN 2 *the council succeeded in obtaining a court decree against him;* **judgement**, verdict, adjudication, ruling, rule, resolution, arbitration, decision, conclusion; findings.

finding NOUN 2 (often **findings**) *he appealed against the tribunal's findings:* **conclusion**, result; **decision**, verdict, pronouncement, judgement, ruling, rule, decree, order, recommendation, resolution; Law determination; N. Amer. resolve.

judgement NOUN 2 *a country-court judgement:* **verdict**, decision, adjudication, ruling, pronouncement, decree, finding, conclusion, determination; sentence.

ruling NOUN *the judge's ruling was slammed by medical experts and union leaders:* **decision**, pronouncement, resolution, decree, determination, injunction; **judgement**, adjudication, finding, verdict; sentence.

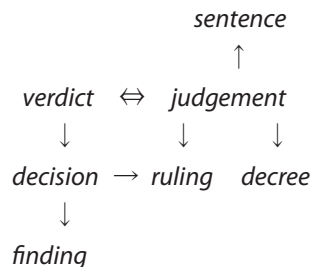
sentence NOUN 1 *Jones showed no emotion as the judge passed sentence:* **judgement**, ruling, pronouncement, decision, determination, decree; verdict; punishment.

2. *her husband is serving a three-year sentence for fraud:* **prison term**, prison sentence, jail sentence, penal sentence; life sentence, suspended sentence; INFORMAL time, stretch, stint; BRIT. INFORMAL porridge; N Amer. informal rap; rhyming slang bird.

verdict NOUN *the coroner recorded a verdict of death by misadventure:* **judgement**, adjudication, adjudgement, decision, finding, ruling, resolution,

pronouncement, decree, order, settlement, result, conclusion, opinion, prognosis, conviction, assumption, presumption; sentence, punishment; N. Amer. resolve; Law determination.

It is interesting to notice that the above seven synonyms (*decision, decree, finding, judgement, ruling, sentence, verdict*) repeatedly appear in the synonym set of the other six legal synonyms. Some of these legal synonyms are even closer to the headword than other synonyms in meaning: *verdict* is a core synonym of *judgement*, and *judgement* is a core synonym of *verdict, decree* and *sentence*; *verdict* is a core synonym of *decision*; *decision* is a core synonym of *finding*; *decision* and *judgement* are core synonyms of *ruling*. This heavily interconnected relationship among the seven synonyms can be illustrated as follows:



The above chart indicates that the term *judgement* is the core of cores, but it is not clear how these seven synonyms are similar or different in use.

3. 2. General English dictionaries

General English dictionaries, both bilingual and monolingual, are useful to learn these legal synonyms. Many English dictionaries commonly list some synonyms beside the headword. *Kenkyusha's New English-Japanese Dictionary* (2002) lists some synonyms of *judgment* in parentheses as follows:

judgment /dʒʌdʒmənt/ n 1a 判決; 審判 (cf. court order, decree 2, sentence, verdict)

The same dictionary explains in detail some well-known legal set phrases and set expression of *verdict* in Japanese as follows:

verdict /vəːdɪkt | vɛː-/ n. 1 《法律》(小陪審の) 評決、答申 (cf. jury¹1): a ~ for the plaintiff 原告勝訴の評決 / a special ~ 特別評決(陪審が法の運用に疑義を生じ

た場合に事実の審理を止めて判決を裁判官に一任するもの；刑事事件では極めてまれ) / ⇨ open verdict, partial verdict, privy verdict, sealed verdict / bring in [return, deliver, give] a ~ "guilty" ["not guilty"] 有罪〔無罪〕の評決を下す / The ~ was in. 評決が下された。

Collins COBUILD Advanced Learner's English Dictionary (2006) lists two synonyms, i.e. *verdict* and *ruling*, beside the definition of *judgment* in legal use as follows:

③ A **judgment** is a decision made by a judge of by a court of law. □ *The industry was awaiting a judgment from the European Court.* N-VAR = *verdict, ruling*

These additional descriptions function as a kind of cross-reference to the headword.

One of the great assets of general English dictionaries is that they list example phrases and/or sentences to show how the headwords are used. Those example phrases and sentences used to be written by the dictionary writers, but are often criticized as being unauthentic and unnatural. *The Collins COBUILD Series* (Sinclair *et al.* 2006) are unprecedented in the sense that the example phrases and sentences are taken from their own corpus, *the Bank of English*. In order to provide further information to help users, many of the general English dictionaries published recently create a special corner where the users can find synonyms and collocations (Inoue & Akano 2013, Mayer *et al.* 2009, Konishi & Minamide *et al.* 2006).

Let us see how these six legal synonyms are dealt with in general English dictionaries. The following are quotes from the *Longman Dictionary of Contemporary English* (2009) (hereafter *LDOCE* for short), a representative of general English dictionaries for ESL/EFL learners.

decision 3 [U] the act of deciding something: *The Court has the ultimate power of decision.*

decree 2 a judgment in a court of law

finding 2 *law* a decision made by a judge or JURY

judgement 3 [LAW] [C,U] an official decision given by a judge or a court of law: *The company were fined £6 million, following a recent court judgement.*

ruling [C] an official decision, especially one by a court: [+on] *the recent Supreme Court ruling on defendants' rights*

sentence 2 a punishment that a judge gives to someone who is guilty of a crime: *She received an eight-year prison sentence. | He has just begun a life sentence for murder.*

verdict n 1 an official decision made in a court of law, especially about whether someone is guilty of a crime or how a death happened: *The verdict was 'not guilty'.*

The Kenkyusha Dictionary of English Collocation (electronic version) (2005) (hereafter *KDEC* for short) is the first full-scale collocation dictionary in Japan. The preface to the dictionary explains that all the example phrases and sentences were originally taken from *the Kenkyusha English Corpus*, and then they were rewritten by the native English-speaking writers. The following are the collocations of *verdict* listed in this dictionary (due to the space limitations in this paper, Japanese translations are omitted):

- ◆ **accept** a *verdict*
- **accept** the *verdict* of the majority
- ◆ The next day the *verdict* was **announced** in court.
- ◆ **appeal** a *verdict*
- ◆ **await** a *verdict*
- ◆ The jury **brought in** a *verdict* of manslaughter against....
- The coroner **brought in** a *verdict* of death by suicide due to temporary insanity.
- **bring in** a *verdict* of "not proven"
- ◆ **carry out** a *verdict*
- ◆ The union **defied** [**ignored**] the *verdict* of the court and continued their strike.
- ◆ **deliver** a *verdict*
- ◆ The *verdict* of his teacher was **fulfilled** by his future career.
- ◆ The lawyers managed to **get** [**obtain**] a *verdict* "not guilty."
- ◆ A *verdict* of £12,000 damages and costs was **given** against....
- ◆ after the *verdict* was **handed down**
- ◆ **hear** a *verdict*
- ◆ **overturn** a *verdict*
- ◆ **pass** a very unfavorable *verdict* on Carlyle
- ◆ The prisoner shook nervously as the judge **pronounced** the *verdict*.

- ◆ **quash** a *verdict*
- ◆ The jury has failed to **reach** a *verdict*.
- Ladies and gentlemen of the jury, have you **reached** a *verdict*?
- ◆ after the *verdict* was **read**
- ◆ **reject** sb's *verdict*
- ◆ **return** a *verdict* to the effect that...
- **return** a *verdict* of "guilty"
- ◆ Later critics **reversed** the *verdict*.
- ◆ **set aside** a *verdict*
- ◆ **sustain** a *verdict*
- ◆ like a culprit **waiting (for)** the *verdict*
- **waiting (for)** the *verdict* of time

This dictionary is quite helpful in finding the possible collocations used in general English discourse; however, important information about the headwords, such as frequencies of use, genres in legal English, regional distinctions, and historical backgrounds, are absent. We will closely compare the collocations of these legal synonyms in general English dictionaries and in legal discourse later.

So far we have explored how legal technical terms are treated in general English dictionaries. General English dictionaries are edited to meet the demands and request of the general users who read and write general discourse, and do not assume that legal professionals are the primary audience. Consequently, they do not list enough legal technical terms, nor do they show enough about how such terms are used in legal discourse. This is why general English dictionaries are not satisfactory to the learners of legal English.

3. 3. Law dictionaries

Law dictionaries are superb in precise and exhaustive definitions. *Dictionary of Anglo-American Law* (1991) lists 13,000 English legal terms and phrases, and explains them in Japanese. *Black's Law Dictionary* (2004) includes more than 24,500 legal terms and phrases, and also provides more than 2,000 example quotations from scholarly works. Let us see how the seven legal synonyms are described in *Black's Law Dictionary*.

decision, *n.* 1. A judicial or agency determination after consideration of the facts and the law, esp., a ruling, order, or judgment pronounced by a court when considering or disposing of a case. See JUDGMENT (1); OPINION (1).

decree, n. 1. Traditionally, a judicial decision in a court of equity, admiralty, divorce, or probate – similar to a judgment of a court law <the judge’s decree in favor of the will’s beneficiary>. 2. A court’s final judgment. 3. Any court order, but esp. one in a matrimonial case <divorce decree>. See JUDGMENT; ORDER (2); DECISION.

finding of fact. A determination by a judge, jury, or administrative agency of a fact supported by the evidence in the record, usu. presented at the trial or hearing <he agreed with the jury’s finding of fact that the driver did not stop before proceeding into the intersection>. — Often shortened to *finding*. Cf. CONCLUSION OF FACT; CONCLUSION OF LAW.

judgment. 1. A court’s final determination of the rights and obligations of the parties in a case. ● The term *judgment* includes an equitable decree and any order from which an appeal lies. ... Cf. RULING (1); OPINION (1).

ruling, n. 1. The outcome of a court’s decision either on some point of law or on the case as a whole. ... Cf. JUDGMENT (1); OPINION (1).

sentence, n. The judgment that a court formally pronounces after finding a criminal defendant guilty; the punishment imposed on a criminal wrongdoer <a sentence of 20 years in prison>.

verdict. 1. A jury’s finding or decision on the factual issues of a case.

Garner’s Dictionary of Legal Usage (2011) explains how these seven legal synonyms are different in legal use as follows:

decree; judgment. Traditionally, judicial decisions are termed *decrees* in courts of equity, admiralty, divorce, and probate; they are termed *judgments* in courts of law. ...

Nevertheless, in modern usage *decree* is broad enough to refer to any court order, whether or not the relief granted or denied is equitable in nature. ... See **judgment (c)**.

decision; opinion; judgment. Technically, in the U.S., judges are said to write *opinions* to justify their *decisions* or *judgments*; they do not write *decision* or

judgments. ... See JUDGMENTS, APPELLATE-COURT & **opinion**. Cf. **speech**.

finding; holding. A court properly makes *findings of fact* and *holdings* or *conclusions of law*. ...

In appellate courts, properly, only *holdings* are affirmed, whereas *factual findings* are disturbed only when clearly erroneous, against the great weight of the evidence, etc., depending on the standard of review. Generally, it is not correct for an appellate court to say that it *affirms* a finding of fact.

Nor should the verb *find* be used when the court rules on a point of law....

judgment. A. Spelling. *Judgment* is the preferred form in AmE and seems to be preferred in British legal texts, even as far back as the 19th century. *Judgement* is prevalent in British nonlegal texts, and was thought by H. W. Fowler to be the better form; Glanville Williams states that, in BrE, "*judgement* should really be the preferred spelling." *Learning the Law* 153 (11th ed. 1982). Not in AmE.

B. AmE & BrE Senses. In AmE, a *judgment* is the final decisive act of a court in defining the rights of the parties. It "includes a decree and any order from which an appeal lies." Fed. R. Civ. P. 54(a).

In BrE, *judgment* is commonly used in the sense in which *judicial opinion* is used in AmE: "The facts of this case, which are fully stated in the *judgment* of Lord Hanworth M. R., were briefly as follows." *Payne v. Cardiff Rural Dist. Council*, [1932] 1 K.B. 241, 241. Continental legal systems likewise use *judgment* in this way.

See JUDGMENTS, APPELLATE-COURT, **decision & opinion**.

C. And decree. Though *decree* is traditionally the term for a final disposition in equity, the term *judgment* applies, in most American states, to the final disposition made by a court in an equitable as well as in a legal proceeding. See Restatement of Judgments, Intro. at 3(1942). See **decree**.

D. Court judgment. This phrase is a REDUNDANCY, though perhaps an understandable one when the likely readers are nonlawyers. For example, the title of the following book might have misled general readers if the word *court* had been removed: Gine G. Scott et al., *Collect Your Court Judgment* (1991).

E. And verdict. See **verdict (D)**.

ruling. A *ruling* is the outcome of a court's decision either on some point of law (such as the admissibility of evidence) or on the case as a whole. The word is not synonymous with *opinion*, as here wrongly suggested: "The district court...issued

a thoughtful 159-page *ruling* [read *opinion*] that discusses in meticulous detail all aspects of the testing as well as each claim in Cooper's petition." *Cooper v. Brown*, 565 F.3d 581, 639 (9th Cir.2009). See JUDGMENTS, APPELLATE-COURT. Cf. **opinion**.

verdict. A. Etymology. *Voir dire* is etymologically equivalent to *verdict*, having passed into English through French. *Verdict* came through Anglo-Norman (*verdit*) but was refashioned after the medieval Latin *vere dictum* or *verdicum*, itself based on the French *verdict*. See **voir dire**.

B. Who Hands Down. Juries, not judges, *hand down* verdicts (both civil and criminal). Strictly, verdicts are *returned by* juries, although we have the lay colloquialisms *to pass a verdict on* and *to give a verdict on*. Cf. **sentence**.

C. Verdict for vote. The jury collectively renders a *verdict*; individual jurors tender *votes*, not *verdicts*...

D. Verdict for judgment. In journalistic references to appellate-court judgments, this error is frequent...

3. 4. Linguistic researches on synonyms

Synonyms have been investigated by many linguists and teachers of English for many years. However, more studies on synonyms are becoming corpus-based in today's world. Yamazaki (1998) analyzed how *respect*, *esteem* and *regard* were used differently based on the COBUILD *Direct*, and compared the descriptions of these three verbs in the five popular learner's English-Japanese dictionaries. Yagi & Umesaki (1998) argued two different verbs, *injure/injury* and *wound*, from the viewpoint of intentionality and synonymy. Otani (1998) studied six confusing synonymous verbs, *defend*, *guard*, *protect*, *safeguard*, *shield*, *shelter* and tried to explain how they are different. Kita (1999) compares *appear* with *look*, and discussed the possibility that these two verbs are complementarily distributed. Inoue (2001) examined how *happen* and *take place* are used from three different perspectives by using the COBUILD *Direct*. Shimada (2003) advocated that synonym descriptions in English-Japanese dictionaries be improved by using corpus findings. Ishikawa (2004) attempted a corpus-based approach to explain how *sorrow*, *grief* and *sadness* are different. Nishina (2008) tried to find possible synonyms of *recession* by using parallel corpora. Inoue (2010) investigates nouns and verbs that *quiet* and *silent* collocate with based on the *Bank of English*. Umesaki (2013) studied how synonymous words *investigate*, *examine*, *explore*, and *analyse/analyze* are different by using the BNC and the *ukWaC*.

3. 5. Summary

We have examined how legal technical terms are dealt with in thesauruses, general English dictionaries, and law dictionaries. We can summarize the strengths and weaknesses of each group as follows:

Thesauruses are strong at showing a great number of synonyms at one time, but generally weak at explaining how they are different and how they are actually used in legal discourse.

General English dictionaries are strong at giving comprehensive information on the headword, and particularly good at showing the example use of the headwords, but weak at giving professional explanation of the legal terms and practical information on how to use them in legal discourse.

Law dictionaries are strong at giving professional definitions of the legal technical terms and phrases, but weak at demonstrating how they are actually used in legal discourse.

Our corpus-based, production-oriented legal English dictionary should be the one that makes up for those weaknesses of thesauruses, general English dictionaries and law dictionaries.

4. Proposal — a corpus-based, production-oriented legal English dictionary for non-native, English-speaking students of law

We have looked over thesauruses, general English dictionaries, and law dictionaries, and discussed briefly their strengths and weaknesses. Based on the discussion we have had, I propose a new type of corpus-based, production-oriented legal English dictionary as a conclusion to this paper. The discussion so far tells us that in order to make the new legal English dictionary innovatively useful, the information of the frequency and collocation about headwords is indispensable.

4. 1. Frequencies of the seven legal synonyms

First, I would like to investigate how the seven legal synonyms we have been focusing at are actually used in legal discourse. The following Table 1 and Figure 1 show

how frequently these seven legal terms are actually used in our four legal corpora.

Table 1 Frequencies of seven Legal Terms in our Legal Corpora per million

	UK JDG	UK LJ	US JDG	US LJ	Total
<i>decision</i>	1509.0	1081.3	1064.5	1313.7	4968.5
<i>decree</i>	2.1	10.3	69.2	29.2	110.8
<i>finding</i>	178.5	129.4	164.1	172.6	644.6
<i>judgment</i>	856.5	491.3	892.4	570.9	2811.1
<i>ruling</i>	55.1	43.4	74.3	248.6	421.4
<i>sentence</i>	576.7	86.0	388.7	144.3	1195.7
<i>verdict</i>	15.2	7.9	92.1	110.5	225.7

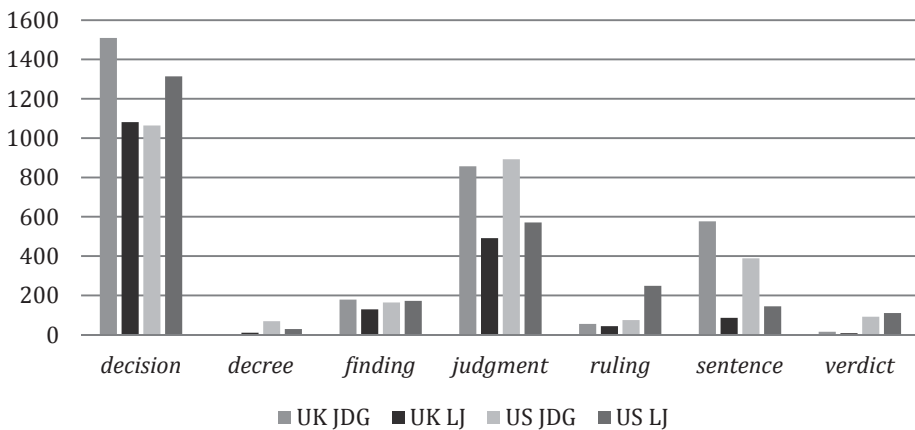


Figure 1 Frequencies of the seven legal synonyms per million

Table 1 and Figure 1 present a lot of important information that traditional thesauruses and dictionaries fail to provide concerning these seven legal synonyms. The first is their frequency differences. The most frequent term is *decision* appearing 4968.5 times per million running words, and the least frequent term is *decree* occurring 110.8 times per million in our four legal corpora. The disparity is about 45 times. Thus, it is clear that those seven legal synonyms are not equally used in number in legal discourse. The second is the regional difference. Table 1 shows that *decision*, *finding*, *judgment* and *sentence* are almost evenly used in the United States and the United Kingdom. Meanwhile, Table 2 shows more clearly *decree*, *ruling* and *verdict* are predominantly used in the US.

Table 2 Frequencies of *decree*, *ruling* and *verdict* per million (regions)

<i>decree</i>	(US: 98.4 vs UK: 12.4)
<i>ruling</i>	(US: 322.9 vs UK: 98.5)
<i>verdict</i>	(US: 202.6 vs UK: 23.1)

This result indicates that some legal terms are regionally imbalanced with regard to usage. The third is the genre difference. Table 3 below illustrates that *judgment* and *sentence* are more frequently used in the Judgments in both countries. Therefore, it is clear that these two terms are more favored in the genre of courts' judgments than in law journals. The way *ruling* is used in legal discourse is somewhat more complicated. It is popular in US law journals, but not in UK Judgments, in UK law journals, or in US Judgments. It seems that both regional and genre factors are involved in determining the frequency of *ruling* in legal discourse.

Table 3 Frequencies of *judgment*, *sentence* and *ruling* per million (genres)

<i>judgment</i>	(JDG: 1748.9 vs LJ: 1062.2)
<i>sentence</i>	(JDG: 965.4 vs LJ: 230.3)
<i>ruling</i>	(USLJ: 248.6 vs the rest: 172.8)

In sum, the frequencies of these seven legal synonyms are diverse in legal discourse. Thus, it is self-evident that in order to help law students understand these seven legal synonyms correctly and to become able to use them properly in legal discourse, it is necessary to include regional and genre factors as key perspectives in legal English dictionaries.

4. 2. Collocations

It is often said that words are not used alone, they are used together with other words (Firth 1957, Hori *et al.* 2009, Hori 2009). This is why general English dictionaries provide more information about collocations these days. The following shows how the word *verdict* collocates with other words in *LDOCE*.

COLLOCATIONS

VERBS

reach/arrive at a verdict (=agree on a decision) *The jury failed to reach a verdict.*

return/give/announce/deliver a verdict (=officially say what a verdict is) *The inquest jury returned a verdict of 'unlawful killing'.*

consider your verdict (=think about what it should be) *The jury retired to consider*

their verdict.

ADJECTIVES/NOUN + verdict

a unanimous verdict (=when the whole jury agrees) *The jury found him guilty by a unanimous verdict.*

a majority verdict *BrE* (=when most of the jury agrees) | **a guilty/not guilty verdict** | **an open verdict** *BrE* (= stating that the facts about someone's death are not known)

PHRASES

a verdict of guilty/not guilty

The above list looks rather exhaustive and explains typical collocations of *verdict*. However, you may wonder if the term *verdict* is used in legal discourse in the same way as general English dictionaries explain. In order to find the answer to this question, I investigated how *verdict* is actually used in our four legal corpora. The reasons I chose *verdict* for my sample investigation are twofold: (a) the way this term is used in the UK and in the US are different quantitatively and qualitatively, so that we may be able to find some interesting regional and genre discrepancies in the use of this term in the UK and in the US legal discourse; and (b) although the term *verdict* is basically a legal term, this term is rather well illustrated in general English dictionaries, so we may expect some interesting difference between the way this term is explained in general English dictionaries and the way this term is actually used in legal discourse.

Table 4 shows the words that occur within five words to the right and the left of *verdict* in our four legal corpora. (Hereafter all the frequencies are not normalized.)

Table 4

USLJ		USJDG		UKJDG		UKLJ	
corpus size	1,303,223	corpus size	1,574,403	corpus size	1,451,263	corpus size	1,267,048
frequency of <i>verdict</i>	144	frequency of <i>verdict</i>	145	frequency of <i>verdict</i>	22	frequency of <i>verdict</i>	10
	No logDice		No logDice		No logDice		No logDice
unanimous	22 11.913	jury	54 11.131	narrative	2 10.752	unmotivated	1 11.541
jury	40 11.570	acquittal	10 10.715	coroner	2 10.574	untutored	1 11.300
attaches	7 10.415	reach	17 10.653	convicting	1 10.415	abandoning	1 11.193
reach	10 10.177	returned	7 10.222	culminate	1 10.415	reporter	1 11.193
legitimacy	10 10.157	guilty	10 10.046	jury	9 10.382	forwarded	1 11.193
guilty	7 9.593	counts	8 9.840	criticising	1 10.300	idiosyncratic	1 11.093
requiring	7 9.504	NGI	4 9.516	acquittal	2 10.093	Guilty	1 11.000
reaching	4 9.476	confidence	4 9.461	inaccurate	1 10.093	punishments	1 10.830
rendered	4 9.438	breach-of-contract	3 9.290	routinely	1 9.956	jurors	1 10.476
agree	5 9.403	presently	3 9.245	suspects	1 9.913	aspirations	1 10.476
correct	5 9.240	inconsistent	5 9.240	Fusilier	1 9.574	generating	1 10.356
jurors	4 9.238	grounded	3 9.184	Gentle	1 9.476	homicide	1 10.356
ultimate	4 9.232	inability	3 9.101	demand	1 9.445	Anglo-American	1 10.142
trial	9 9.184	devices	3 9.061	cast	1 9.445	culpable	1 10.142

arrive	3	9.184	return	4	8.989	inquest	1	9.300	0.111	1	9.830
deliberation	3	9.015	undermine	3	8.934	returned	2	9.046	returned	1	9.791
toward	5	8.943	failure	6	8.854	setting	1	8.978	reasoned	1	9.791
deliberations	3	8.927	Powell	3	8.765	frequently	1	8.956	jury	2	9.508
criminal	16	8.805	special	5	8.764	disorder	1	8.771	prosecutions	1	9.445
preference	3	8.804	failed	5	8.729	afforded	1	8.715	post	1	9.193
juries	3	8.696	million	3	8.574	aside	1	8.461	rape	1	9.069
bring	3	8.466	verdict	3	8.487	guilty	2	8.117	permissible	1	9.069
resulting	3	8.466	reversed	3	8.400	valid	1	8.105	ex	1	8.913
legitimate	3	8.410	alone	3	8.371	shows	1	8.093	principled	1	8.541
you	3	8.395	control	4	8.321	delivered	1	8.000	mechanisms	1	8.524
required	5	8.165	challenge	4	8.282	lack	1	7.967	lay	1	8.508
based	6	8.146	\$	5	8.237	covered	1	7.881	fully	1	7.850
judge	4	7.793	After	3	8.180	essential	1	7.752	produce	1	7.840
requirement	4	7.726	murder	3	8.126	greater	1	7.678	capable	1	7.771
before	4	7.514	50	3	7.985	count	1	7.492	charge	1	7.724
being	3	7.435	appeal	4	7.939	left	1	7.252	legitimate	1	7.335
result	4	7.415	fraud	3	7.830	justified	1	7.167	end	1	7.186
order	3	7.199	upon	5	7.382	secure	1	7.161	Yet	1	7.034
must	5	7.132	on	29	7.262	charge	1	7.130	trial	1	6.983
individual	3	7.056	after	4	7.193	days	1	6.956	whose	1	6.961

4. 2. 1. *Unanimous verdict*

LDOCE lists *unanimous verdict* on top under the **ADJECTIVES/NOUNS + verdict** category of **COLLOCATIONS**. In our four legal corpora *unanimous* appears with *verdict(s)* 23 times in the US LJ corpus and twice in the US JDG. Table 5 shows how *unanimous* collocates with *verdict* in the US LJ.

Table 5 Collocations of *unanimous verdict*

<i>unanimous verdict(s)</i>	9
<i>unanimous jury verdict(s)</i>	6
<i>unanimous criminal verdict(s)</i>	2
<i>unanimous criminal jury verdict</i>	3
<i>criminal jury verdicts be unanimous</i>	1
<i>criminal verdicts be unanimous</i>	1
<i>correct verdict was a unanimous one</i>	1

Unanimous verdict shown in *LDOCE* occurs nine times out of 23 in the US LJ, but the remaining 14 examples shown above are used either with other adjectives before *verdict* or used as a predicative adjective. This corpus finding suggests that a simple collocation of *unanimous verdict* is not the only possibility that *unanimous* collocates with *verdict*.

4. 2. 2. *Guilty verdict, not guilty verdict, open verdict, and majority verdict*

In addition to *unanimous verdict*, *LDOCE* lists the above four collocations. *Guilty verdict*

occurs 17 times in total in our four legal corpora: 6 (US LJ), 9 (US JDG), 1 (UK LJ), 1 (UK JDG). *Not guilty verdict* occurs only three times in the US JDG. The following two examples are the related examples of *verdict of not-guilty*, but they are used in more complicated structures in legal discourse.

only a verdict of guilty or not-guilty satisfies the instruction (US LJ)

Nor, I think, would a verdict against B of not guilty of murder, (UK JDG)

Open verdict does not occur, and *majority verdict* only occurs once in the form of a *simple-majority verdict* in the US LJ.

4. 2. 3. Collocations not found in a general English dictionary

The following collocations are rather frequent in legal discourse, but are not found in general English dictionaries or law dictionaries.

jury verdict

This collocation occurs 19 times in the US LJ, 24 times in the US JDG, and zero times in the UK LJ and in the UK JDG. In some examples *jury verdict* is premodified by some nouns and adjectives, and in some examples it is postmodified by a prepositional phrase.

The \$50 million adverse jury verdict had been entered before the election (US JDG)

The earliest record of a unanimous jury verdict dates back to 1367. (US LJ)

both consecutive and concurrent sentences are authorized after only a jury verdict of guilt (US JDG)

jury's verdict

Jury's verdict appears in the US LJ four times, in the US JDG 16 times, in the UK LJ zero times, and in the UK JDG seven times. Similarly to the case of *jury verdict*, *jury's verdict* is often modified by an adjective, a noun or a prepositional phrase in legal discourse as shown below:

The jury's verdict shows that they accepted the case for the prosecution (UK JDG)

the jury's not-guilty verdict on the fraud counts (US JDG)

the jury's securities fraud verdict was not necessary (US JDG)

an apparent inconsistency between a jury's verdict of acquittal on some counts and its failure to return a verdict on other counts (US JDG)

legitimacy and legitimate with verdict

The noun *legitimacy* and its adjective *legitimate* seem to co-occur closely with *verdict* in legal discourse. *Legitimacy* co-occurs with *verdict* in the US LJ 10 times, and *legitimate* co-occurs with *verdict* in the US LJ three times and in the UK LJ once. In the four examples out of 10 in the US LJ, *legitimacy* co-occurs with *verdict* in the structure of *legitimacy of verdict* or in the same structure with some more modifiers as follows:

only enhances the legitimacy of verdicts arrived at through that system. (US LJ)

public acceptance of the legitimacy of jury verdicts (US LJ)

the symbolic legitimacy of the ultimate verdict as a community pronouncement.
(US LJ)

the legitimacy associated with an actual verdict (US LJ)

Legitimate and *verdict* seem to be compatible with each other in legal discourse as well. This is probably because the validity of verdict often becomes the issue of debate in the court of law.

would be perceived as more legitimate than a verdict rendered by a single judge
(US LJ)

the verdict appears more legitimate if one perceives (US LJ)

As we saw in 3. 2., the *KDEC* lists 25 verbs and verb phrases that collocate with *verdict*, and *LDOCE* shows seven verbs which collocate often with *verdict*. Do these verbs and verb phrases actually collocate with *verdict* in legal discourse, and are there any other verbs and verb phrases that collocate well with *verdict* in legal discourse? To find the answer I checked all the verbs that are counted more than twice in Table 4. with the verbs and verb phrases listed as the collocates in the *KDEC* and *LDOCE*. The following Table 6 is a list of the verbs that collocate with *verdict* more than twice in our legal

corpora:

Table 6 The collocate verbs of *verdict* in the KDEC and the LDOCE

legal	freq in our legal corpora	KDEC	LDOCE
<i>agree</i>	5	×	×
<i>arrive</i>	3	×	○
<i>attach</i>	7	×	×
<i>based</i>	9	×	×
<i>bring</i>	3	△	×
<i>challenge</i>	4	×	×
<i>fail</i>	5	×	△
<i>find</i>	3	×	×
<i>reach</i>	27	○	○
<i>render</i>	4	×	×
<i>require</i>	12	×	×
<i>result</i>	7	×	×
<i>return</i>	14	○	○
<i>reverse</i>	3	○	×
<i>undermine</i>	3	×	×

The *KDEC* lists *bring in* as a collocate of *verdict*, but we found that *bring* appears in the form of *bring about*, *bring back* and *bring in* in one instance each. *LDOCE* does not list *fail* as a collocate, but it includes *fail* in the example sentence of the collocate *reach*. Table 6 demonstrates that among the 25 collocations of *verdict* listed in the *KDEC*, only three of them collocate more than twice in our four legal corpora. As for *LDOCE*, among the seven collocations it lists, about half of them appear in our four legal corpora. These results may come from the difference between the collocations in general discourse and legal discourse, but it is rather clear that general English dictionaries are not always satisfactory for the use of law students who are learning legal discourse.

The following are the verbs and verb phrases that collocate with *verdict* in legal discourse, but are not referred to in general English dictionaries.

attach to

This verb phrase appears seven times only in the US LJ.

maintaining the legitimacy that attaches to criminal jury verdicts (US LJ)

the legitimacy that attaches to a unanimous jury verdict (US LJ)

agree on/to [usually in the negative]

Agree on/to appears four times only in the US LJ: three times with *on* and once with *to*. Three fourths of them are used in a negative sentence.

a jury's inability to agree on a verdict occurred in 1807. (US LJ)

If all jurors did not agree to a verdict, (US LJ)

require

Require occurs in the form of *requiring* (six times) and *required* (five times) only in the US LJ. It is interesting that all six examples of *requiring* take *verdict* as its direct object, but three out of five examples of *required* take a *to*-infinitive form as its direct object. All five examples of *required* are used in passive constructions.

The greatest benefits we reap from requiring unanimous jury verdicts (US LJ)

the supermajority that is ultimately required to arrive at a verdict (US LJ)

Unanimous jury verdicts are required in federal felony trials, (US LJ)

Requirement collocates with *verdict* three times, as shown below:

widespread requirement that criminal jury verdicts be unanimous (US LJ)

The link between verdict accuracy and the unanimity requirement (US LJ)

the requirement that a guilty verdict attach only upon proof beyond a reasonable doubt (US LJ)

The link between *requirement* and *verdict* is more distant semantically and structurally than the link between *require* and *verdict*. The above facts suggest that many legal things are being required to enter the verdict in the court.

enter

Enter occurs only twice as the collocate of *verdict*, but this verb is popular in legal discourse collocating with similar kinds of other legal technical terms as shown below:

Table 7 Collocations of *enter* with other legal documents

US LJ		US JDG		UK LJ		UK JDG	
judgment	8	judgment	22	contract	7	agreement	5
agreement	4	plea	19			contract	3
order	4	injunction	13			plea	3
decree	2	order	13			arrangement	2
		finding	2			transaction	2

an extremely small minority cannot prevent a verdict from being entered (US LJ) before a verdict is entered against another citizen. (US LJ)

Black's Law Dictionary (2004) defines *enter* as follows:

2. To put formally before a court or on the record <the defendant entered a plea of no contest>. 3. To become a party to <they entered into an agreement>.

An interesting aspect of legal discourse is that very basic general English verbs such as *enter*, *file* and *bring* are often used in an extended sense, and express a fundamental legal procedure or an action in an old style. The verb *enter* originally is meant to enter a legal document in the court record.³⁾

on ... count(s)

Count looks like a general English word but it is not. *Black's Law Dictionary* (2004) defines *count* in legal discourse as follows:

- count**, *n. Procedure*. 1. The part of an indictment charging the suspect with a distinct offense.

Count used with *on* in this legal sense appears in the US JDG 73 times (46.4 times per million), in the UK JDG 41 times (28.3 times per million), in the US LJ 11 times (8.4 per million), and in the UK LJ three times (2.4 times per million). *Count* collocating with *verdict* in the form of *verdict of...on count(s)* appears eight times in the US JDG, and once in the UK JDG.

an apparent inconsistency between a jury's verdict of acquittal on some counts and its failure to return a verdict on other counts (US JGD)

of *acquittal*

Acquittal is defined by *Black's Law Dictionary* (2004) as follows:

acquittal, *n.* 1. The legal certification, usu. by jury verdict, that an accused person is not guilty of the charged offense.

The frequency of *acquittal* and the number of collocations of *acquittal*, *verdict of acquittal* and *judgment of acquittal* in our four legal corpora are as follows:

Table 8 Frequencies and collocations of *acquittal*

	<i>acuiltal</i>	<i>of acquittal</i>	<i>verdict of acquittal</i>	<i>judgment of acquttal</i>
US JDG	63 (43.2 per m)	14	9	5
UK JDG	42 (28.9 per m)	2	2	0
US LJ	17 (13 per m)	0	0	0
UK LJ	3 (2.4 per m)	0	0	0

Acquittal is used 63 times (43.2 times per million) in the US JDG, 42 times (28.9 times per million) in the UK JDG, 17 times (13 times per million) in the US LJ, and three times (2.4 times per million) in the UK LJ. *Acquittal* is used with *of* as in *of acquittal* 14 times in the US JDG, and among these 14 examples nine of them are in the form of *verdict of acquittal* and five of them are in the form of *judgment of acquittal*. In other legal corpora, *of acquittal* and *verdict of acquittal* are only found twice in the UK JDG and *acquittal of judgment* is not found at all. It seems clear that *acquittal* and the collocations of *acquittal* are predominantly used in the US JDG.

a logical inconsistency between a guilty verdict and a verdict of acquittal does not impugn the validity of either verdict (US JDG)

the civil court which would cast doubt on the verdict of acquittal in the criminal trial (UK JDG)

4. 3. Conclusion – a model sample of our Corpus-based, Production-oriented Legal English Dictionary

The following is a model sample of our legal dictionary with *verdict* based on this paper.

verdict

Verdict refers to a determination by the jury, which is comprised of twelve lay persons. In criminal cases, the verdict is either guilty or not guilty. In civil cases, the jury decides whether the plaintiff won or defendant won, and if the plaintiff won how much compensation should the defendant pay. Following the jury verdict, the judge decides the sentence that the defendant is to serve.

Regions; UKJDG;15, UKLJ; 8, USJDG; 93, USLJ; 111 (normalized per million)

In the U.S., the Constitution guarantees the right to jury trial both in civil cases and criminal cases. And there are in fact many jury trials. In England, on the other hand, the civil jury has been abolished except in a specific category of cases, and the number of jury trials in criminal cases is small as compared to in the U.S. It is natural that the term *verdict* occurs much less frequently in UK legal corpora.

VERB+:

US JDG; reach (17), return (11), challenge (5), fail (5), secure (4); The jury was unable to *reach* a verdict as to Reyes,... The jury *returned* a verdict for Gross, awarding him \$46,945 in lost compensation.

US LJ; reach (16), require (12), attach to (7), be based on (6), render (6), arrive at (4), agree on (3), return (3), deliberate toward (2), reverse (2); suggests that it is *required to reach* a verdict... alternative rules of decision for *reaching* jury verdicts... the stamp of legitimacy that *attaches to* verdicts *rendered* through this process...

+PREPOSITIONAL PHASE:

UK JDG; of acquittal (2), of the coroner (2); the narrative verdict *of the coroner* at the end of that inquest...

US JDG; of acquittal (10), on...count (10), at the phase (2); to achieve a final verdict *on all counts*... A jury's verdict *of acquittal* represents the community's collective judgment...

Notes

- 1) According to *the Oxford English Dictionary* (2009), the word "thesaurus" comes from a Greek word "θησαυρός" meaning "a store, treasure, storehouse, treasury". The same dictionary also explains that the present meaning of thesaurus, "A collection of concepts or words arranged according to sense", was first used in 1852 as in the title of a book as follows:
Thesaurus of English Words and Phrases classified and arranged.
- 2) A very original form of the thesaurus was compiled by Peter Mark Roget in 1805 on the

principle of “the grouping of words according to ideas” (Kipfer and *et al.*, 2001: xi)

3) *The Oxford English Dictionary* (1989) defines this legal use of *enter* as follows:

21. b. Law. To cause (a verdict, judgement, etc.) to be written down in the records of a court.

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