



# LEGAL ENGLISH LANGUAGE SKILLS Workshop 3-2

TILBURG UNIVERSITY LANGUAGE CENTER 2017



# The Future Revisited

- FUTURE TIME
  - SIX ASPECTS
    - Simple Future
    - Planned Future
    - Present Progressive/Arranged Future
    - Future Progressive
    - Simple Future/Scheduled Future
    - Mandated Future

# Future Time and Expression

- THE FUTURE PERFECT
  - Will have + past participle: I will have met...
- THE FUTURE PAST
  - Would + infinitive: I would meet...
- THE FUTURE PAST PERFECT
  - Would have + past participle: I would have met

# With this in mind

- IF X, THEN Y...

This is the bread and butter of research writing.

It is a **conditional sentence**.

There are **four basic types**.

# Conditional Sentences

- ZERO

- If (**present**), then (**present**): If you **work** hard, you **succeed**.

- LIKELY

- If (**present**), then (**future**): If you **work** hard, you **will** **succeed**.

- UNLIKELY/UNREAL

- If (**past**), then (**future past: would + bare infinitive**): If you **worked** hard, you **would** **succeed**.

- IMPOSSIBLE

- If (**past perfect**), then (**future past perfect: would have + past participle**): If you **had** **worked** hard, you **would have** **succeeded**.

# Modal Verbs

- A fairly finite list of modal verbs:
  - Can / Could
  - Shall / Should
  - Will / Would
  - May / Might / Must
  - Ought to / need to /used to
  - Would rather
  - Had better

Modals express possibility, opportunity, ability, obligation.

# Modal Application

- If you **worked** hard, you **might** succeed.
  - If x applied, it might be that ...
- If you **could work** hard, you **might** succeed.
  - If the committee could see it way to x, the research team might...
- If you **work** hard you **should** succeed.
  - If x is applied, it should lead to the desired result.
- If you **worked** hard, you **could** succeed.
  - If the central bank lowered x, then this could stimulate y.

# Mixed Conditionals

- PAST to PRESENT

- If I **had won** the lottery, I **would be** rich.

*BUT I DIDN'T WIN THE LOTTERY IN THE PAST AND I AM NOT RICH NOW.*

- If I **had taken** French in high school, I **would have** more job opportunities.

*BUT I DIDN'T TAKE FRENCH IN HIGH SCHOOL AND I DON'T HAVE MANY JOB OPPORTUNITIES.*

- If she **had been born** in the United States, she **wouldn't need** a visa to work here.

*BUT SHE WASN'T BORN IN THE UNITED STATES AND SHE DOES NEED A VISA NOW TO WORK HERE.*

\* Examples of mixed conditional sentences in this slideshow taken from

[www.englishpage.com](http://www.englishpage.com)



# Mixed Conditionals

- PAST to FUTURE

- If she **had signed** up for the ski trip last week, she **would be joining** us tomorrow.  
*BUT SHE DIDN'T SIGN UP FOR THE SKI TRIP LAST WEEK AND SHE ISN'T GOING TO JOIN US TOMORROW.*

- If Mark **had gotten** the job instead of Joe, he **would be moving** to Shanghai.  
*BUT MARK DIDN'T GET THE JOB AND MARK IS NOT GOING TO MOVE TO SHANGHAI.*

- If Darren **hadn't wasted** his Christmas bonus gambling in Las Vegas, he **would go** to Mexico with us next month.  
*BUT DARREN WASTED HIS CHRISTMAS BONUS GAMBLING IN LAS VEGAS AND HE WON'T GO TO MEXICO WITH US NEXT MONTH.*

# Mixed Conditionals

- PRESENT to PAST

- If I **were** rich, I **would have bought** that Ferrari we saw yesterday.

*BUT I AM NOT CURRENTLY RICH AND THAT IS WHY I DIDN'T BUY THE FERRARI YESTERDAY.*

- If Sam **spoke** Russian, he **would have translated** the letter for you.

*BUT SAM DOESN'T SPEAK RUSSIAN AND THAT IS WHY HE DIDN'T TRANSLATE THE LETTER.*

- If I **didn't have** to work so much, I **would have gone** to the party last night.

*BUT I HAVE TO WORK A LOT AND THAT IS WHY I DIDN'T GO TO THE PARTY LAST NIGHT.*

# Mixed Conditionals

- PRESENT to FUTURE

- If I **didn't have** so much vacation time, I **wouldn't go** with you on the cruise to Alaska next week.

*BUT I DO HAVE A LOT OF VACATION TIME AND I WILL GO ON THE TRIP NEXT WEEK.*

- If Cindy **were** more creative, the company **would send** her to New York to work on the new advertising campaign.

*BUT CINDY IS NOT CREATIVE AND THE COMPANY WON'T SEND HER TO NEW YORK TO WORK ON THE NEW CAMPAIGN.*

- If Dan **weren't** so nice, he **wouldn't be tutoring** you in math tonight.

*BUT DAN IS NICE AND HE IS GOING TO TUTOR YOU TONIGHT.*

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*BUT DAN IS NICE AND HE IS GOING TO TUTOR YOU TONIGHT.*

# Mixed Conditionals

- FUTURE to PAST

- If I **were going** to that concert tonight, I **would be** very excited.

*BUT I AM NOT GOING TO GO TO THAT CONCERT TONIGHT AND THAT IS WHY I AM NOT EXCITED.*

- If Sandy **were giving** a speech tomorrow, she **would be** very nervous.

*BUT SANDY IS NOT GOING TO GIVE A SPEECH TOMORROW AND THAT IS WHY SHE IS NOT NERVOUS.*

- If Seb **didn't come** with us to the desert, everyone **would be** very disappointed.

*BUT SEB WILL COME WITH US TO THE DESERT AND THAT IS WHY EVERYONE IS SO HAPPY.*



# Another Exercise

- How about something a bit more challenging ...

MARK'S GOT ISSUES  
A Tool for Editing  
For  
The Fiscal State Aid Project Course  
Legal English Language Skills

# Mark feels lost in time

- Events that have already taken place require the past tense if the time frame is completely in the past, for example through the use of a Past Time Determiner like “last year”, “during the Civil War” or “in 1992.” If no such limit is provided and the vent has **PRESENT RELEVANCE** or **EFFECT** then you can use the present perfect.
  - Research has been done which has proven x to be effective in dealing with y.

# Mark's Got Issues: Mark needs structure

- Keep in mind that each section of a given text does what it needs to do AND ONLY that: the introduction of an argumentative text **puts forth** topic, issue, thesis and mode, but does not include substantive argumentation. The argument section **presents** clear argument statements and support material for each but does not provide conclusions. The conclusion **synthesizes** the thesis and the key argument point(s) but does not introduce any new material.

# Mark's Got Issues: Mark feels disrespected

- Professional writing is formal writing. Use the formal conventions discussed in class:
  - No contractions
  - Avoid idiomatic usages like sayings
  - Avoid terms like “a lot of”
  - Try to use very few “low-content” or “vague” words such as good/bad, interesting, important.
    - » “Good” is just the opposite of “bad” (subjective) except if it is being used as part of a technical phrase, e.g., “good fit”



# Mark's Got Issues: Mark is suffering from deja vu

- Repetitive language is problematic for two reasons. First of all, if you use the same words repeatedly, the text can easily become boring: bored readers quickly become disengaged readers or non-readers of the text. Secondly, the overuse of a given term for too many different meanings can lead to lack of definition or equivocation.
  - Use a thesaurus
    - Remember the word way: approach, process, procedure, fashion, manner, mode, means, route, path, etc.

# Mark's Got Issues: Mark feels a bit breathless

- Commas are separators: they aid the reader in seeing the various structural elements in a sentence:
  - Commas when using
    - Prepositional phrases like “In the end”
    - Sentence Adverbials like “Conversely”
    - In setting of conditional clauses
    - In setting off added information modifiers like Mark, a teacher, ...
    - When you start with a transition signal like “therefore”

# Mark's Got Issues: Mark does not see a future in this

- There are a variety of means of expressing the future:
  - Will + infinitive
  - Be going to + infinitive
  - The Present Progressive as future
  - The Future Progressive (will be + -ing)
  - The Simple Present as Future
  - Be to + infinitive

# Mark's Got Issues: Mark needs the right conditions

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  - The Simple Present as Future
  - Be to + infinitive

# Mark's Got Issues: Mark needs commitment

- Modal verbs provide the expression of ABILITY, PROMISE, NECESSITY, IMPERATIVE, REQUIREMENT, POSSIBILITY
  - Can and could
  - Will and would
  - May and might
  - Shall and should
  - Had better and would rather
  - Need and need to
  - Used to and ought to



# Mark's Got Issues: Mark needs closure

- In text:
  - Use transition signals to move from one point to the next
  - Use coordinators to align elements within a sentence
  - Use paragraphing to mark the shift from key idea to key idea, and from structural point to structural point
  - Make sure text HAS a clear and focused conclusion: no “sudden” endings.

# Mark's Got Issues: Mark has some smaller issues

- Unclear Antecedence
- False Friends
- Capitalization
- Consistency of spelling (British vs. American)
- Dangling modifiers
- Wordiness
- Apostrophes
- Agreement error
- Questions versus question statements
- Overuse of the first person
- Non-sentences and run-on sentences
- Comma splices

# Mark's Got Issues: Unclear antecedence

- **A pronoun must refer to a specific noun (the antecedent). Ambiguous pronoun reference creates confusing sentences.**
- Writers should spend time thinking about their arguments to make sure *they* are not superficial. (Unclear antecedent: who or what are superficial?)

A key difference between banking crises of today and of yesterday is that *they* have greater global impact. (Which crises have more impact?)

- From “Seven Deadly Sins of Writing” on the Hamilton College Writing Website at <https://www.hamilton.edu/writing/seven-sins-of-writing>

# Mark's Got Issues: False Friends

- the word “so-called”
- namely instead of “that is”
  - Namely can only be used in enumerations (lists)
- actual instead of “current”
- exist instead of “consist”
- consequent and consistent
- check and control
- imply and implicate
- fantasy and imagination
- dispose of instead of have at one's disposal
- loose instead of lose
  - Also watch “criterion” (not criterium)

# Mark's Got Issues: False Friends

- economic vs. economical
- attend instead of visit
- eventual instead of possible

– From Sanders, M. , Tingloo, A. and Verhulst, H. (1992) *Advanced Writing in English: A Guide for Dutch Authors* Leuven: Garant



# Mark's Got Issues: Capitalization

- Words that need to be capitalized
  - Calendar Words
    - Days of the week, months of the year, holidays
  - Nation and region words
    - Names of countries, regions, cities, nationalities, residency modifiers, languages
  - Words derived from proper nouns
    - Marxist philosophy, Bayesian statistics, Keynesian economics
- Titles are trickier:
  - It depends on the style guide
- Note:
  - Specific program names are capitalized, but not names of disciplines

# Mark's Got Issues: Consistency of Spelling

- You need to stick to either American English spelling or British English spelling
  - In the social sciences, economics, and business, American English is increasingly the norm
  - You need to be aware of what is demanded by school, journal and publisher
  - Spell check can be set to one or the other standard – it will note all inconsistencies as error
  - Note: direct citations do not get altered, even if this leads to inconsistent spelling

# Mark's Got Issues: Consistency of spelling tips

- A few tips on spelling differences:
  - **-or** in American English becomes **-our** in British English
    - labor, labour
  - **-yze** in American English becomes **-yse** in British English
    - analyze, analyse
  - **-er** in American English becomes **-re** in British English
    - center, centre
  - **-log** in American English becomes **-logue** in British English
    - catalog, catalogue
  - **“ae”** in British English as **“a”** in American English
    - Faeces, feces
  - **Doubling in British English**
    - Counsellor, cruellest and cancelled in British English, counselor, cruelest and canceled in American English

# Mark's Got Issues: Dangling Modifiers

- DANGLING MODIFIERS

- A dangling modifier is a word or phrase that cannot logically modify any word or group in the sentence:

- Having done the analysis, the research could be completed.
- Using this drug, many unpleasant side effects are experienced.

- DM Cure

- CREATE A NEW SUBJECT

- Using this drug, **patients** experience many undesirable side effects.

- CREATE A DEPENDENT CLAUSE

- Many undesirable side effects are experienced **when this drug is used**.

# Mark's Got Issues: Wordiness

- Use action verbs rather than forms of the verb to be (e.g., is, are, was, were).
  - Wordy: The reason that General Lee invaded Pennsylvania in June 1863 was to draw the Army of the Potomac away from Richmond.
  - Revised: (replace was with action verb invaded): General Lee invaded Pennsylvania in June 1863 to draw the Army of the Potomac away from Richmond.
- Make real subject the actual subject, real verb the actual verb
  - Wordy: In Crew's argument there are many indications of her misunderstanding of natural selection.
  - Revised: (replace subject *there* with *argument*, replace verb *are* with *demonstrates*.) Crew's argument repeatedly demonstrates misunderstanding of natural selection.

– “Seven Deadly Sins of Writing” on the Hamilton College Writing Website at <https://www.hamilton.edu/writing/seven-sins-of-writing>

# Mark's Got Issues: Wordiness

- |                               |                |
|-------------------------------|----------------|
| • despite the fact that       | although       |
| • in the event that           | if             |
| • by means of                 | with, by       |
| • at some future time         | when           |
| • fewer in number             | fewer          |
| • in view of the fact that    | since, because |
| • during the time that        | while          |
| • for the reason that         | because        |
| • if conditions are such that | if             |
| • cognizant of the fact that  | aware that     |
| • has the capability of       | can            |
| • with regard to              | about          |
| • in order to                 | to             |

# Mark's Got Issues: Wordiness

- Some further unnecessarily wordy phrases:

- the reason why is that
- this is a subject that
- in spite of the fact that
- due to the fact that
- in the event that
- because of the fact that
- until such time as

- Wordiness lists from Sanders, M. , Tingloo, A. and Verhulst, H. (1992) *Advanced Writing in English: A Guide for Dutch Authors* Leuven: Garant and “Seven Deadly Sins of Writing” on the Hamilton College Writing Website at <https://www.hamilton.edu/writing/seven-sins-of-writing>

# Mark's Got Issues: Apostrophes

- Use the apostrophe to indicate possession (as in Mark's lecture) and to mark omitted letters in contractions (as in wouldn't). Writers often misuse apostrophes when forming plurals and possessives. The basic rule is quite simple: use the apostrophe to indicate possession, not a plural.
- Apostrophes, words that end in "s" and plurals are also sometimes an issue
  - Bridget Jones
  - Bridget Jones's Diary
  - The Joneses
  - The Joneses' House



# Mark's Got Issues: Agreement Error

- A pronoun must agree in gender and number with its antecedent. A common error is the use of the plural pronoun *they* to refer to a singular noun.
- In the original state constitution, *they* allowed polygamy. *They* (plural) refers to *constitution* (singular).

**revised:**

The original state constitution allowed polygamy.

- Adapted from “Seven Deadly Sins of Writing” on the Hamilton College Writing Website at <https://www.hamilton.edu/writing/seven-sins-of-writing>

# Mark's Got Issues: Questions vs. statements of inquiry

- Too many direct questions in a text can be a hindrance, in particular when it draws the pace of the text to a stop
  - Companies need to ask: Why is this being done?
  - Account managers need to find out: Is the quality of service closely related to the loyalty of customers?
- Questions like this can easily be turned into statements of inquiry
  - Companies need to ascertain why this is being done
  - Account managers need to know if quality of service is closely related to the loyalty of customers.

# Mark's Got Issues: Overuse of the first person perspective

- There is still a place for the passive in professional writing
  - I assumed at this point that ...
  - It was assumed at this point that ...
- Even in writing that permits the first person, this should not be a license to turn everything into an “I” or a “we” statement.
- Keep in mind: it is often useful to take the focus away from the researcher and turn it to the process:
  - I gave the survey to fifty participants
  - The survey was given to fifty participants
  - Fifty participants were given the survey.

# Mark's Got Issues: Non-sentences

## NONSENTENCES:

- Relative clause is not a sentence: **Which means this is x.**
- Long verb phrase is not a sentence: **Does not work well at all.**
- Likewise noun phrase: **The idea that this is somehow a new or innovative theory.**
- Conditional clause is not a sentence: **If x.**
- Nor is a temporal clause: **When y.**
- Neither is a gerund phrase: **Being that this is the case.**

# Mark's Got Issues: Non-sentences and run-on sentences

- Keep in mind that
  - Sentences need to have a subject and a predicate (a primary verb phrase) in order to function as a complete entity
  - The subject of the sentence needs to be an independent component (not a relative pronoun, for example) in order to function as complete
  - A dependent phrase cannot serve as a complete sentence
  - A sentence can only convey one idea – more than one idea requires more than one sentence.

# Mark's Got Issues: Comma Splices

- Commas are separators; they cannot be used to “glue together” independent clauses, but ...

Separate independent clauses with a **comma** when using a coordinating conjunction (*and, but, or, for, nor, so, yet*).

Separate independent clauses with a **semi-colon** when no coordinating conjunction is used.

Separate independent clauses with a **semi-colon** when using a conjunctive adverb (e.g., *however, therefore, thus, consequently, finally, nevertheless*).

- From “Seven Deadly Sins of Writing” on the Hamilton College Writing Website at <https://www.hamilton.edu/writing/seven-sins-of-writing>

# An Example

- So, I was sent this text ...

# Some reference materials

- Grammar

- [www.englishpage.com](http://www.englishpage.com)
- [www.bbc.co.uk/skillswise/english](http://www.bbc.co.uk/skillswise/english)
- [www.ucl.ac.uk/internet-grammar/adjectiv/adjectiv.htm](http://www.ucl.ac.uk/internet-grammar/adjectiv/adjectiv.htm)
- <http://owl.english.purdue.edu/owl/resource/537/01/>
- <http://grammar.coc.commnet.edu/grammar/adjectives.htm>
- [www.englishlearner.com/tests/reported\\_speech\\_quiz\\_1\\_shtml](http://www.englishlearner.com/tests/reported_speech_quiz_1_shtml)
- [www.ego4u.com/en/cram-up/grammar/reported-speech](http://www.ego4u.com/en/cram-up/grammar/reported-speech)

- Style and Reference

- <http://owl.english.purdue.edu/owl/resource/560/01/> (APA Guide)
- <http://owl.english.purdue.edu/owl/search.php> (MLA Guide)



# Some reference materials

## Further Resources

- [www.dictionary.com](http://www.dictionary.com)
  - Dictionary + Visual Thesaurus
- [www.ldoceonline.com](http://www.ldoceonline.com)
  - Longman Dictionary online
- [www.wordweb.info/free/](http://www.wordweb.info/free/)
  - Free Downloadable Dictionary
- <http://dictionary.cambridge.org/>
  - Cambridge Dictionary online
- Works Referenced in slides
  - “Seven Deadly Sins of Writing” on the Hamilton College Writing Website at <https://www.hamilton.edu/writing/seven-sins-of-writing>

# Some reference materials

- Sanders, M. , Tingloo, A. and Verhulst, H. (1998) *Advanced Writing in English: A Guide for Dutch Authors*, Leuven: Garant
- Van Loon, J., Thüss, A., Schmidt, N. and Haines, K. (2016) *Academic Writing in English: A Process-Based Approach*, Bussum: Coutinho
- Garner, Bryan A. (2002) *The Elements of Legal Style* (Second Edition), New York: Oxford University Press
- Kirszner, Laurie and Mandell, Stephen. (2012) *The Brief Wadsworth Handbook* (Seventh Edition). Boston: Thomson Wadsworth