

Chapter 8: Exercises

1 Ambiguity

The sentences below are ambiguous. Rewrite them in a way which makes their intended meaning clear and unambiguous.

- 1) Even if the company sells the product, if it does not usually sell this particular product in the usual course of business it may not be held liable.
- 2) No drilling work shall be carried out on this land within 50 metres of any residence currently situated on said land without the lessor's consent.
- 3) This lawyer said the client is the best trial advocate he had ever had working on one of his cases.
- 4) John drafted the contract for the client during the meeting itself and he then read it through carefully.
- 5) We were asked not to carry out any further work for clients whose previous invoices had not been paid by our senior partner.

2 Sexist language

Rewrite the sentences below in such a way as to remove any inherent sexism.

- (1) If a student cannot write competently, he cannot expect to make a good lawyer in the future.
- (2) A lawyer knows better than the layman that knowledge of where to find the law is at least as useful as knowledge of specific legal provisions.
- (3) When commencing court proceedings, the lawyer must ensure that his client has been fully advised about the risks of litigation. In particular, he must give the client a realistic estimate of the likely costs.
- (4) The distributor hereby undertakes that upon termination of this contract he will return to the Company all confidential papers.
- (5) If a client does not pay his bills, he cannot expect the lawyer to carry out further work for him.

3 Easily confused words

Many words used in legal English look and sound alike but can have very different meanings. It is important to be aware of the more common of these false pairs – the consequences of confusing them could be disastrous.

Now try the exercise below.

- 1) You are not (eligible/illegible) to practise as a lawyer in this country unless you have received official authorisation to do so.

- 2) The testimony given by the witness was not entirely (credible/creditable).
- 3) It is an important legal (principal/principle) that the accused should be presumed to be not guilty until proven guilty.
- 4) The lawyer provided expert (council/counsel) to the client.
- 5) His negligent handling of the matter amounts to a (tortious/tortuous) act, for which he is likely to be sued.

Suggested answers

1 *Ambiguity*

- 1) Even if the company sells the product, if it does not usually sell this particular product in the usual course of business it **cannot** ~~may not~~ be held liable.
- 2) **Unless the lessor consents to it**, no drilling work shall be carried out on this land within 50 metres of any residence currently situated on said land ~~without the lessor's consent~~.
- 3) This lawyer, said the client, is the best trial advocate he had ever had working on one of his cases.
- 4) John drafted the contract for the client during the meeting itself and **the client** ~~he~~ then read it through carefully.
- 5) We were asked **by our senior partner** not to carry out any further work for clients whose previous invoices had not been paid ~~by our senior partner~~.

2 *Sexist language*

- (1) **The student who** ~~If a student~~ cannot write competently, ~~he~~ cannot expect to make a good lawyer in the future.
- (2) A lawyer knows better than the ~~layman~~ **layperson** that knowledge of where to find the law is at least as useful as knowledge of specific legal provisions.
- (3) When commencing court proceedings, the lawyer must ensure that ~~the~~ **his** client has been fully advised about the risks of litigation. In particular, **the client must be given** ~~he must give the client~~ a realistic estimate of the likely costs.
- (4) The distributor hereby undertakes **to return all confidential papers to the company** ~~that~~ upon termination of this contract ~~he will return to the Company all confidential papers~~.
- (5) **The client who does not pay bills** ~~If the client does not pay his bills, he~~ cannot expect the lawyer to carry out further work ~~for him~~.

3 *Easily confused words*

- 1) 'You are not (**eligible**/illegible) to practise as a lawyer in this country unless you have received official authorisation to do so.
- 2) The testimony given by the witness was not entirely (**credible**/creditable).
- 3) It is an important legal (principal/**principle**) that the accused should be presumed to be not guilty until proven guilty.
- 4) The lawyer provided expert (council/**counsel**) to the client.
- 5) His negligent handling of the matter amounts to a (**tortious**/tortuous) act, for which he is likely to be sued.