



## MASARYK UNIVERSITY FACULTY OF LAW

# Prepositional phrases for lawyers, high- frequency word pairs in the law



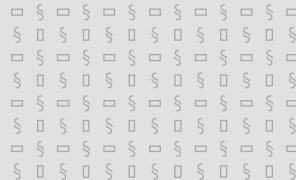
# Prepositional phrases for lawyers

■ These prepositional phrases are fundamental for any type of legal writing:

**1. *Under***

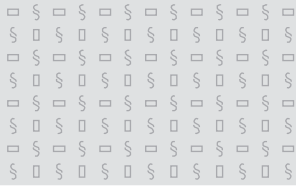
**2. *Pursuant to***

**3. *According to***



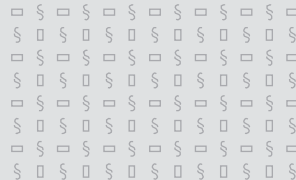
# Under

- Use ***under*** rather than ***pursuant to*** or ***according to*** when referring to substantive or procedural law, whether domestic or international. This includes statutory as well as administrative law:
  - *Under this regulation*
  - *Under the statute*
  - *Under the appeal procedure*
  - *Under Czech contract law*
  - *Under European patent law*
  - *Under the investment treaty regime*



# Under

- Use ***under*** when referring to case law, or to any interpretations, doctrines, rules derived from case law:
  - *Under recent case law*
  - *Under this interpretation*
  - *Under the effects doctrine*
- Under + name of any case
  - *Under Eco Swiss Case*
- Under with following fixed legal expression:
  - *Under these facts*



## Pursuant to

- Use ***pursuant to*** when referring to legal documents, such as wills or contracts:
  - *Pursuant to Sale of Goods Contract dated May 20, 2010, the buyer will pay...*
- Use *pursuant to* when referring to terms of legal documents, such as contracts or treaties
  - *Pursuant to the terms of the sales contract, the buyer is liable for all damages arising out of...*



## Pursuant to

- Note that you can use the phrase *pursuant to* or *under* before the noun „terms“
  - *Under the terms of the sales contract, the buyer is liable for all damages arising out of...*



# According to

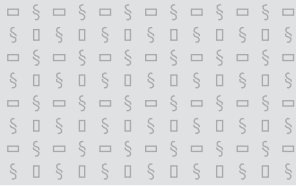
- Use ***according to*** when referring to testimony and reports
  - *According to the police report, the driver was drunk...*
  - *According to the witness, there were three men standing over the body after the gunshot.*
  - *According to testimony presented to...*
  - *According to the sworn statements of three experts...*
  - *According to the expert testimony at trial...*
  - *According V. Klaus, President of the Czech Republic...*
  - *According to the report submitted by the Ministry of Justice at the end of last term*



## Stating the rule

- When summarizing the the provisions of a law in English, **do not** say:
  - The law is about...
  - The regulation talks about...
  - The statute discusses...
- Instead, use one of these words:
  - The law ...
    - *Provides that*
    - *Sets forh*
    - *Governs*
    - *Regulates*





## Provide that

- If you are giving giving a detailed summary, or nearly repeating the words of the law, use ***provide (s) that***
  - *The law provides that trademark holders must use their trademarks.*
  - *The regulations provide that...*



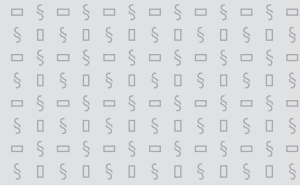
## Seth forth

- Use ***set forth*** followed by words such as rights, duties, obligations, and procedures:
- *Article 2 and 3 of the contrast set forth the rights of the buyer.*
- *Chapter 7 of the regulation sets forth the procedure to file for an exemption.*



# Govern, regulate

- The verbs ***govern*** and ***regulate*** are frequently followed by the noun conduct.
  - *This provisions governs the conduct required of all parties to contract.*
  - *These statutes regulate the conduct of...*
- ***Govern*** and ***regulate*** are also folowed by words such as form, procedure:
  - *The regulations govern the forms you have to submit, and the order in which you have to submit them.*
  - *That sub-section regulates all the procedures you have to follow...*



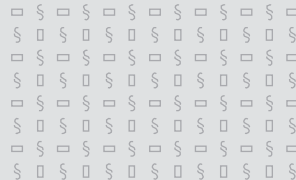
# High-frequency word pairs in the law

## ■ Rights - Granted

- *The law grants rights to all those who...*
- *The treaty grants most-favored nation rights to...*

## ■ Rights

- Alienable(you may transfer them from one to another)/inalienable
- Assignable/unassignable



# High-frequency word pairs in the law

## ■ Rights may be

- Asserted
- Claimed
- Violated

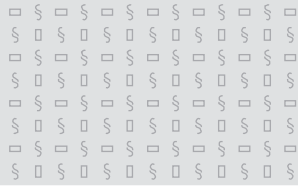
## ■ Rights

- A contract right/contract rights
- Property rights
- Human rights/natural rights (the U.S. Constitution)
- Civil rights



# High-frequency word pairs in the law

- **Duties - Imposed**
- Duty is also a countable noun. You can count the number of duties imposed by any given law.
  - *The contract impose a duty to pay contractual price on the buyer.*
- Other key expressions using „duty“ (you can use also obligation)
  - Duty of care
  - Duty od loyalty
  - Fiduciary duty (fiduciary - zmocněnec)



# High-frequency word pairs in the law

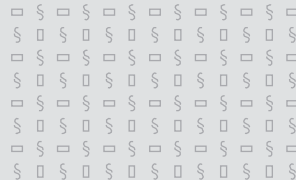
## ■ Burden - Imposed

- Burden - countable noun - like rights, duties, parties

- *The company argued that the regulations imposed an unreasonable burden on state economy.*

## ■ Burden of

- Proof
  - Production
  - persuasion



# High-frequency word pairs in the law

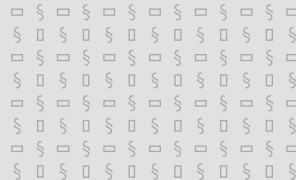
## ■ Parties to

- *All the parties to the dispute have a statutory duty to...*
- *They were not parties to the original contract.*

## ■ Disputes and Issues - Arise (not occur!)

- *Under these facts, an issue arises as to whether defendant broke the sales contract.*





# High-frequency word pairs in the law

## ■ Motions (návrhy)

### ■ Granted or denied (by the court)

### ■ Filed or brought (by lawyers)

■ *The court denied defendant's motion to dismiss for insufficiency of process.*

■ *The appellate court upheld the court decision to grant motion in favor of plaintiff.*

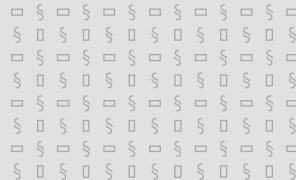
■ *Defendant brought a motion to dismiss claiming that the court lacked personal jurisdiction over her.*

■ *Plaintiff filed a motion to amend the complaint.*<sup>17</sup>



# High-frequency word pairs in the law

- **Evidence - Admitted or Excluded**
- Evidence is not a countable noun, it follows the rules for advice and information.
- „Piece of evidence“. The pieces (such as a witness's testimony, document, gun) can be counted. The evidence itself, can only be weighted (by the court or jury).



# High-frequency word pairs in the law

## ■ Injunctions (soudní příkaz/zákaz)

- Issue/(are) issued

- (are) lifted

- (are) stayed

- (are) entered

## ■ Verb form of injunction - enjoin

- *Plaintiffs requested that the court enjoin the defendant from dumping any further contaminants in the water.*

- *The court enjoined the alleged infringer from using the trademark.*