

Linguistic Functional Feature Analysis of English Legal Memorandum

JIN Pengsun^{[a],*}; ZHAO Yushan^[a]

^[a]Professors. School of Foreign Languages, North China Electric Power University, Beijing, China

*Corresponding Author.

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Abstract

The aim of the paper is to investigate the genetic structure and functional features of the English legal memorandum. To satisfy this aim, the author collects some authentic English legal memorandums and adopts the approaches based on Swales and Hasan to explore the structure levels of the texts. The research also draws on the three metafunctions of Holliday's systemic functional linguistics to find out some linguistic strategies. Linguistic functional features are found in an amount from the systemic functional perspective, which reveals that memorandum inclines to employ material and relational process; prefer declarative mood, fractional imperative mood, and hardly any exclamation mood; in favor of unmarked with simple nominal groups; clausal theme and theme of nominal group complex followed by long and complicated sentence. The findings are mainly devoted to the guidelines for legal memo writing.

Key words: Analysis; Functional features; English legal memorandum

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INTRODUCTION

In current legal community, legal memorandum is found to be the most widely written paper work. Lawyers and

professionals write legal memorandum to convey opinions or advice to clients or other members of the community. Therefore, it is essential for legal professionals to have a good command of the discourse conventions which characterize legal memorandum writing. The ability to write effectively in English is therefore a prerequisite for full participation in the legal community. Despite of the popularity of this career, little attention is given to the analysis of legal memorandum from the perspective of linguistics, let alone the perspective of genre analysis (He, 2003, p.17). Actually, generic features reflect the strategies that members of the discourse community of law typically use in the constructing and understanding the texts to achieve their communicative purposes. Actually legal memorandum is totally different. It is a kind of legal advice which is the main form of paper work for lawyers (Wang, 2002, p.61). It has strict format and lawyers are supposed to have a good command of skill to compose effective memorandum.

It is not enough only to be aware of genre. Language features used in legal memorandum are equally important to be noted. The present research tends to summarize the linguistic and rhetorical features from the perspective of the three metafunctions in systemic-functional grammar, to help writers use proper writing tactics. What's more, it is hoped that the findings of the study may shed some light on guiding legal memorandum writing and ESP teaching. In this research paper, 21 authentic legal memorandums have been collected as the texts. Most of them are collected from Internet. The data mainly covers the fields like economic cases, criminal cases, and memorandum to clients. The research draws on the three metafunctions in Holliday's systemic functional linguistics to find out some linguistic strategies associated with certain moves on its lexical and syntactic levels, which is a complementary part to the methodology of the genre study.

The present study will mainly focus on the structural description of the legal memorandum with genre-based approaches and the systemic functional methodology.

First, according to Swales' definition of genre, the author will identify the English legal memorandum as a particular genre, using the communicative purpose as the primary criterion. The English legal memorandum owns typically the characteristics of an established genre mainly from three aspects: it is characterized by a set of communicative purposes; it is a recognizable communicative event; it is identified and mutually understood by the members of the professional community.

Second, the author tries to explore the linguistic features and find out some linguistic strategies on the lexical and syntactic levels in terms of Halliday's systemic functional methodology. Field, tenor and mode are given here to identify the three dimensions of register in a legal memorandum. The approaches under the systemic-functional theory are applied to find out how ideational, interpersonal and textual meanings are realized. It also highlights the specific linguistic features and strategies used in this part.

Finally, with the findings of the research respectively from the macro aspect in terms of the generic structure level with genre analysis approaches, and from the macro aspect in terms of the lexical and syntactic levels with systemic functional methodology, the author will conclude some guidelines for Chinese people's English legal memorandum writing, which mainly focus on the strategies in generic structures and linguistic features in the native English.

2. LINGUISTIC FUNCTIONAL FEATURES

The analysis of the generic structure may give the would-be writers a clear idea about how to construct the whole text. In composing the professional genres, "the experienced writers often succeed in achieving their private goals and communicative purposes not only by selecting certain optional moves and steps but also by playing with distinctive lexicons and grammars in the context" (Du, 2004, p.131). Consequently, to have a better knowledge of a specific genre, we cannot restrict ourselves to the macro-structure, but go to the microstructure, the lexical and syntactic levels. In this paper, the author will try to find out certain lexical and syntactic features associated with particular moves. When doing this, the research attempts to interpret the linguistic choices made in legal memorandum.

2.1 Field, Tenor and Mode in Functional Grammar

In composing the professional genres, the expert writers often succeed in achieving their private goals and communicative purposes not only by selecting certain optional moves and steps, but also by playing with distinctive lexicons and syntaxes in the context. Consequently, to have a better knowledge of a specific genre, it cannot restrict ourselves to the macrostructure,

but go to the microstructure, the lexical and syntactic levels. That is, choices of typical meanings are selected from the linguistic system on the basis of particular contextual variables in a particular situation. The variation, which makes up the register, is composed of field, tenor, and mode (Halliday & Hasan, 1985). The research now is trying to define the notion of field, tenor and mode of legal memorandum in light of Holliday's theory.

Field includes the written document made by legal professionals to answer questions for clients, or summarize a legal problem for the reference of colleagues or superiors; a detailed description of the problem or the case that the client has suffered; an essential reasoning for the situation and the applicable law; an indication that the legal memorandum writers try to persuade the targeted readers to accept their opinions in his topic, and most important is to help solve problems on issues.

Tenor reflects the questioner-answerer relation, which is most typically formal, reserved and polite in English. The questioner-answerer relation, which is studying legal memorandum right now, is not the same as the customer-vendor relation studied by Hasan in the service encounters. Customer-vendor relation is "semi-formal", as Hasan (1985) points out. Customer and vendor have an unexpected greeting, which could happen everywhere, even somewhere in a street, for example. And obviously, it is the relation between the two individuals. However, the questioner-answerer relation can be the one between a company and an individual or within groups of people. They have established clientage relationship before the legal memorandum is written, and the client is intentioned to write to the lawyer for some help.

Mode is written English in the form of letters of lawyer sent to the client. Lawyers will habitually deal with issues in the order they recall them instead of presenting the ideas in a logical pattern that helps the reader to grasp the argument.

Each of them mentioned above corresponds to one of the metafunctions: the field determines the ideational meanings that are expressed; the tenor mainly determines the interpersonal meanings; and the mode mainly determines the textual meanings. Since these contextual variables are realized by transitivity, mood and theme respectively, the paper will interpret how the three metafunctions are served in these aspects.

2.2 Perspective of Ideational Metafunction: Transitivity

The ideational function reveals that the experience consists of "goings-on". Such as happening, doing, sensing, meaning, and becoming (Li, 2006, p.42). Then "how the clause reflects our view of the world as consisting of "goings-on" involving things which may have attributes and which involve place, time, manner, etc." (Li, 2006, p.42). The system by which all this is achieved is transitivity. "First of all, transitivity is

a semantic notion. Secondly, it serves to construe the world of experience into a manageable set of process types. Thirdly, a process consists of three components: the process itself, participants in the process, and circumstances associated with the process (Li, 2006, p.42).” “The concepts of process, participant, and circumstance are semantic categories, which explain in the most general way how phenomena of the real world are represented as linguistic structures. These concepts provide the frame of reference for us to interpret our experience of what goes on outside and inside(Li, 2006, p.43)”. “A fundamental property of language is that it enables human beings to build a mental picture of reality, to make sense of their experiences of what goes on around them and inside them (Halliday & Hasan, 1985, p.101).” This is what calls the ideational metafunction. When the author looks at how language works from this perspective, the research is focusing primarily on the “content” of a message rather than the purpose for which the speaker has uttered it.

The ideational metafunction is reflected in the transitivity system, which is mainly examined from the process types. The three major types of processes are material process (process of doing), mental process (process of sensing), and relational process (process of being). Material process expresses the notion that some entity “does” something. Mental process involves the verbs such as think, imagine, like, want, see, etc. Relational process can be classified into two categories: attributive relational process and identifying relational process. In attributive mode, an entity has some quality ascribed or attributed to it, while the function of identifying relational process is to identify one entity in terms of another (Li, 2006, p.43-47). We usually identify the process types from analyzing the clauses. The clauses below are also chosen from the texts:

Table 1
Examples for Three Major Processes in Memos

These people	depend on	the state’s natural resources	for their livelihood. (e.g.1)
This Actor	will hurt Process: material	agriculture Goal	in oregon and elsewhere in the United States.(e.g.2) Circumstance
He	can expect		little help in the courts. (e.g.3)
You	can imagine		our reaction. (e.g.4)
Senser	Process: mental		Phenomenon
The situation	Seems		Difficult to handle.(e.g.5)
The appeal of such incidents to the plaintiff’s bar	is		undeniable. (e.g.6)
Carrier	Process: relational		Attribute

The preponderance of material processes would suggest that the texts are largely concerned with actions. With the use of material process, the author intends to inform

the situations of the case to the clients. The situations informed include the results of writer’s research and analysis of the relevant law and its application to particular facts (Liu, 2003, p.62). It follows from the notions that a memorandum is balanced and objective. The writer must accurately summarize the law, whether it helps or hurts the client. This approach differs from other types of legal writing, such as a trial brief or factum, where the purpose is to persuade. This means that the writer may use a lot of words to restate the facts. The facts always consist of doing something and people’s behavior. Consequently, the writer has to put emphasis on the material sentences, because the material processes are process of doing. The below is material process chosen from the texts:

E.g.7 Introduction: Data Security Breaches, Remote Work, and the Human Element Participants in the financial industry have been hit hart with very public data security breaches of late, with resultant bad publicity, loss of consumer goodwill, and exposure to regulatory action or class action suit. In June of this year, AIG announced that a burglar at its corporate offices had stolen a company server, and that the server contained the names, Social Security numbers, and in many cases medical information of almost a million people. But in many cases the loss of customer information, either in electronic or paper form, occurs outside the better-protected confines of the central workplace....

The second salient type of processes is the relational process. It is clear that a relational clause is a process either of attribution or identification. This means that readers simply need to recognize that an entity is being described, in some way as belonging to a certain category, as possessing certain characteristics or as being in certain place. Halliday (Halliday & Hasan, 1985) states that

in many registers, various kinds of scientific writings, for example, relational processes tend to be the most frequent and perhaps the most informative of the primary clause type. This is true for texts in our data. As is considered the heart of the memorandum, the writer must provide objective yet convincing support for the advice and conclusion. Therefore, the legal memorandum reflects the relationship set up between question and solution. The following are a number of examples from the texts to show how relational processes are realized.

E.g.8 What makes data security litigation so dangerous is the absence of any safe harbors.

E.g.9 His income after the tax was 4000 Yuan per month in 2001.

E.g.10 The nearest thing is article 15 which provides:...

Mental processes are rare to see in legal memorandum. It used primarily to show the writer’s expectation towards his reader’s action. The professional writer concentrates his attention on the objective facts and laws. The writer will not use the word, such as see, hear, like and so on, to express the views and suggestions (Liu, 2003,

p.62). Therefore, mental processes are rarely found in memorandum.

2.3 Perspective of Interpersonal Metafunction: Mood

The tenor of discourse is shown through the interpersonal metafunction and is reflected in mood, modality and person. The Subject and the Finite make up a component of the clause that is called the Mood. This component plays a vital role in carrying out the interpersonal function of the clause as exchange in English. The subject is a familiar term from traditional grammar. The finite is the first functional element of the verbal group (Li, 2006, p.85). In this section, the author will analysis mood from Mood function of phrase and Mood function of clause.

2.3.1 Mood Function of Phrase

The mood function of phrase principally is reflected in two approaches: (1) the subject mood embodied in these phrases; (2) the subject as well as the finite structuring the mood element of the clause. It is discovered that in English, not only a11 the nominal but also a portion of adverbs, prepositions and numerals could play the role of the subject in a clause (Zhu & Yan, 2001, p.99). However, in English legal memorandum, the most common practice is to apply nouns or nominal phrases or even normalization elements to be the subject.

E.g.11 Our client, Julia Bergan, has accused her estranged husband, Patrick Bergan, of stalking her.

E.g.12 The Supreme Court’s holding in Kelo also

reflects its long-standing differencein this area of the law to legislative judgments regarding what public needs justify the use of the takings power.

Why does the legal writer prefer using nouns or nominal elements? Firstly, in legal English, abstract nouns cover a considerable percentage. Therefore, when there is a lack of proper action noun, or when the action is mentioned as an event rather than a process, the action noun is generally used.Secondly, acting as a subject, nouns or normalization elements are still easier and properly modified or restricted by pre-modifiers and post modifiers.Nominalizations feature the subjects constrictive in meaning and structure.Thirdly, since legal documents usually stipulate the obligations and rights of the parties concerned, which result in the adoption of an authoritative and impartial language.Therefore, subjects of nominal elements make the text more formal and objective.

Finite is another decisive element illustrating mood of a clause. It makes the proposition actually exist and discussible. As a reference provided for the proposition discussed, it includes two aspects: (1) the time of giving the speech; (2) the attitude and judgment of the speaker. In other words, Finite circumscribes the Subject and it brings the proposition down to earth so that it is something that can be argued about. The Finite operators include temporal operators and modal operators, both of which can be specified for polarity: either it is so or it isn’t so. The following table lists the Finite verbal operators, positive and negative.

Table 2
Finite Verbal Operators

Temporal operators			
	past	present	future
positive	did, was, had, used to	does, is, has	will, shall, would, should
negative	didn’t, wasn’t, hadn’t	doesn’t, isn’t, hasn’t	won’t, wouldn’t, shouldn’t
Modal operator			
	low	median	high
positive	can, may, could, might	will, would, should, is/was to	must, ought to, need, has/ had to
negative	needn’t, doesn’t/didn’t, need to, have to	won’t, wouldn’t, shouldn’t	mustn’t, oughtn’t to, can’t, couldn’t, hasn’t/hadn’t to

Which Finite operator is legal memorandum inclined to use? And for what purpose such Finite operators are adopted?

E.g.13 As can be seen from the above authorities, the mere short term rental of a house *does not change* the character of its use from residential to commercial.

E.g.14 When the port facility security assessment *has been carried out* by a recognized security organization, the security assessment shall be reviewed and approved for compliance with this section by the Contracting Government within whose territory the port facility is located.

In e.g.14, the subordinate clause led by “when” uses present perfect, and the other two are all in present tense. Normally speaking, the employment of present tense is

always for the demonstration of reasons or principles, for the specification of criterions or standards, and for the regulation of rights and obligations. Present tense always illustrating the general situations or circumstances is able to meet the requirements of being formal and objective.

2.3.2 Mood Function of Clause

Finally, the author investigates legal memorandum in the sight of mood function of clause. And the mood function of a clause is mainly supported by four kinds of sentence patterns: interrogatives, declaratives, imperatives and exclamatives, which represent four kinds of typical mood respectively: question, statement, imperative and exclamation (Li, 2006, p.93).” The author puts interrogatives and exclamatives aside and concentrate on

declaratives and imperatives, which are typical sentence patterns in legal memorandum.

According to Halliday, declaratives could further be divided into (1) exclamatives and (2) statement. Exclamative is hardly adoptive in legal English, however statement is quite common. Statement, then falls into two categories, one is condition clause and the other is information clause (Li, 2006, p.93). Meanwhile, imperative also has two classifications: the performative and the general imperative.

There are abundant examples applying clause of condition in the formal written legal English.

E.g.15 In other words, a personal attendant is not the same as a housekeeper. *And if a personal attendant is asked to perform more than a small amount of housekeeping duties as part of her employment, the exemption will be lost. Therefore, it is best if a member of the family or a separate employee is specifically designated to do household chores.*

Legal memorandums do perform the functions of giving information, stating facts or explaining conditions to the readers or to the acceptors (Stephens, 2004). Therefore declarative is the best method to satisfy these requirements. Legal memorandum in declarative mood sound much clearer and director. Moreover, condition clause is coincident with the development of logical reasoning in legal text. With true condition as presupposition, the true and confirmative results are educed. Such a sentence pattern is used in compliance with the preciseness and rigidness of legal documents.

In imperative clauses, the speech role is demanding goods & services and the speech function is commanded. Imperative is the mood for exchanging goods & service (Li, 2006, p.94). Optative means wishing, and jussive means ordering. Legal memorandum is the very language providing analysis and suggestions from writer to client. It refers to commands and regularizes individual behavior and social order. To this point, jussive is even more commonly used in legal documents.

E.g.16 *...banned* residents from owning handguns and automatic firearms, and *prohibited* the possession of unregistered rifles and shotguns.

E.g.17 The Administration *shall require* that the manufacturers have a quality control system audited by a competent authority to ensure continuous compliance with the type approval conditions.

The above examples are performative imperative. Such instances are quite popular in legal memorandum, featured by “performative verbs” like “permit”, “prohibit”, “authorize”, etc. On the other hand, in general imperative, subject, and even finite are usually absent, for example, “Close the window”. Often used between two persons (the speaker and the listener), such pattern is more apt to colloquial and oral. Neither the source (speaker) nor the target (listener) must be declared clearly. Although the legal texts are also directed to a certain group of receivers

who are reading them, the suggestions and requirements may involve more than two parties of giver and receiver.

2.4 Perspective of Textual Metafunction: Theme

Text is the carrier by which the ideational and interpersonal metafunctions are eventually realized. When the study looks at languages from the point of view of the textual metafunction, it is trying to see how speakers construct their messages in a way which make them fit smoothly into the unfolding language event. It has been said before that textual metafunction subsumes three sub-systems: (1) thematic system; (2) information system; (3) cohesion system (Hu, Zhu & Zhang, 1989, p.136). In this section, the author will deal with thematic system. The theme system is concerned with the organization of information within clauses, and through this, with the organization of larger text. A simple explanation of Theme in English is to think of it as the idea represented by the constituent at the starting point of the clause. The Theme of a clause is followed by the realization of the Rheme, which is explained by Halliday as “the remainder of the message, the part in which the Theme is developed” (Halliday & Martin, 1993). In majority of cases, Theme and Subject are the same (they are said to be ‘conflated’). Subject is the “normal” Theme choice: it is the constituent which is chosen as Theme unless there are good reasons for choosing something else. It is therefore said to be the unmarked Theme. If the subject is not conflated with them, it is labeled as marked Theme (Li, 2006, p.134). The discussion of them in the legal memorandum is dedicated hereafter.

2.4.1 The Thematic Structure of English Legal Memorandum

Theme structure could be divided into three types of “simple theme”, “multiple theme” and “clausal theme” subject to the complexity of the structure itself (Hu, Zhu & Zhang, 1989, p.135). Then, in legal memorandum, which one is preferred and why? Additionally, in different moods of clause, thematic structures play different functions and present different characteristics.

Simple theme ordinarily appears to be one or more than one nominal group or adverbial or prepositional phrase. They are commonly easy to be figured out. Those italics in the following extracts are playing the thematic roles.

E.g.18 *The Attorney General’s opinion* held that neither state nor federal law prohibits a privately owned apartment complex from renting only to non-smokers or, in the alternative, restricting smokers to certain buildings within an apartment complex.

E.g.19 *To comply with legal requirements and to effectively provide investment services*, such widespread custodianship of customer information is inevitable.

Nominal groups are the most common themes in English legal memorandum, as we can observe from the above instances. What’s more, these themes are conflated with subject. Being the starting-point of a text, it serves

as the core of the whole discourse. In other words, the theme indicates what the following text is talking about. Analyzed in particular, e.g.18 is extracted from the legal memorandum titled “RE: No Smoking Policies at HUD Assisted Housing Developments” in which it is explained how HUD should be used, endorsed and transmitted. The Attorney General’s opinion is used as the key word in the above sentences, naturally taking up the position of thematic topic of this part. While the adoption of themes by adverbial and prepositional groups are relatively less common than nominal ones like those in e.g.19, they are normally function as a link to the context. Here there must be certain premise having been paved in the context. Otherwise, choosing adverbial or prepositional groups as themes will seem to be a little abrupt.

Multiple theme, leading a clause, may include three types of semantic elements: (1) textual element; (2) interpersonal element; (3) ideational element, among which the ideational element refers to “topical theme” (Li, 2006, p.141). Even if either of the other two elements could be omitted, the topical theme is absolutely essential. In addition, legal English is unlikely to witness the simultaneous presence of all the three kinds of elements in the position of theme. Such a practice will make the legal documents appear to be wordy and confusing, and thus resulting in informal and less august. It is supposed that one or more of such semantic element other than topical theme is positioned as theme, especially those containing some structural or conjunctive parts of textual element, and some modal parts of interpersonal element. They are used more or less for the mood or for the coherent purpose of the text.

Clausal theme is extraordinarily common in legal English. When the thematic organization appears in the guise of a whole clause in the system of language, the clause is regarded as the “topic sentence” of the text, nothing other than the theme.

E.g.20 *Where such decisions are based on policy choices about the allocation of resources*, judicial reluctance to intervene will be extreme: see e.g. R V Cambridge HA exp. B (1995) 1WLR 898. Where judicial review challenges succeed, it will usually be because the Decision-mark has failed to comply with directions given to it, or has....

The parts italics above are considered as clausal themes of the whole clause complex. If we follow strictly the principle that each clause has its own theme could be further analyzed as such in the clausal theme of “Where such decisions are based on policy choices about the allocation of resources”, there exists the sub-theme of this subordinate clause “Where such decisions” and the sub-theme “are based on policy choices about the allocation of resources”; on the other hand, the clausal theme of this clause complex “judicial reluctance to intervene will be extreme: see e.g. R V Cambridge HA exp. B (1995) 1 WLR 898” also has its sub-theme (judicial reluctance to intervene) and sub-theme (will be extreme). Such a complicated syntax structure is one of the typical features in

legal memorandum. As known to all, since legal language is required to be precise and comprehensive in explanation and stipulation, the conditions predicated for regulations of obligation and right ought to be definitely specialized and completely demonstrated, so that a clausal theme and theme structure make the hierarchy of the text clear and the structure unitized. (Liao, 2004, p.7 1) Moreover, with sub-theme and sub-theme, it becomes much easier and more natural to display as many conditions or restrictions as possible, if necessary.

2.4.2 Theme and Mood in Legal Memorandum

It has been expounded that in English legal memorandum the declarative mood is the most common, the sub-chapter below focuses on the discussion of both of the typical “legal mood structures” in turn from the point of view of their thematic structure.

In declarative clause, the theme is, in most memorandums, the same to subject. Therefore, it is named to be the unmarked theme. The subject is chosen as the normal element of theme in declarative clause unless other parts are needed to be emphasized for particular reasons. The other elements, called marked themes, include adjuncts and complements. Adjuncts acting as themes often appear at the joint of two texts for the purpose of making them smoothly coherent or to highlight something that is significant or something that needs emphasis. But complement serving as theme is hardly seen in legal text, because such a theme-theme structure seems too casual or informal to be acceptable, which is quite unmatched with the style of legal text. It is worth noticing that in legal memorandum the subject may not be simply a noun or a nominal group. it could be fairly extensive, example, a nominal group complex including a long post-modifier, or coordinated nominal group functioning together as the subject.

E.g.21 The nature of the changes to the ship security plan or the security equipment that have been specifically approved by the Administration pursuant to section 9.5 shall be documented in a manner that clearly indicates such approval.

Such long and complicated clauses with the constituent which combines both the subject and theme, illustrating all of the words to providing detailed information and setting essential conditions.

CONCLUSION

By taking a number of actual examples, this paper is dedicated to the study of the characteristics of legal memorandum written in English on the basis of functional grammar, more accurately, on the theory of metafunctions. Reflecting different aspects of the legal clauses, the three types of metafunctions have formed an organic unity in revealing the characteristics of legal English. In view of ideational function, the author can conclude that in most cases, English legal memorandum is inclined to employ

material and relational process. By means of interpersonal function, legal English prefers declarative mood and application of modality for the purpose of directly offering information and demonstrating permission and prohibition. Textual function is another significant part among the theory of metafunctions, by which can observe the organization and the relationship of different information in a text. On the study of theme-theme structure in legal memorandum, the conclusion could be drawn that legal memorandum is in favor of unmarked theme if it starts with simple nominal groups, on the other hand, clausal theme and theme of nominal group complex followed by long and complicated post-modifiers is another favorable choice of legal memorandum.

The analysis of the genetic structure may give the would-be writers a clear idea about how to construct the whole texts by carrying out some proper strategies. However, it does not mean the lexicon and grammar are unimportant. Consequently, to have a better knowledge of a specific genre, we cannot restrict ourselves to the macrostructure, but go to the microstructure, the lexical and syntactic levels.

Firstly, the author examined the linguistic features in terms of how the ideational. Interpersonal and textual metafunctions are realized in the discourse of purpose-oriented legal memo. Transitivity system is a core concept in the ideational metafunction, which is analyzed primarily through the process types. The three main process types occurring most often in the legal memorandum are material, relational and mental processes, in which material process far outnumbers the other two. The messages conveyed in the legal memorandum are stated objectively. The material, relational choices of clauses represent the scenery vividly and therefore constitute powerful evidence. A mental process may weaken this effect or even threatens to make people doubt about the fact presented.

Secondly, in the aspect of interpersonal metafunction, mood plays a critical role in the clause meaning. The most common practice is to apply nouns or nominal phrases or even normalization elements to be the subject in legal memorandum. The employment of Present tense is always for the finite. Concerning the residue in mood structure, predicator is present in all major clauses. Complement, an element in residue, could be lifted out of the adjunct to become subject in certain circumstances. The modal adjunct and conjunctive adjunct play a significant role in density the discourse and intensity the coherence. On the perspective of mood function of clause, declaratives and imperatives clauses are typical sentence patterns in legal memorandum. Where information is offered or situation is explained, legal memorandum is often applied in legal English. The declarative clauses are mainly used to fulfill the communicative purpose of informing, so it is commonly adopted in the moves Statement of Facts, Discussion and Finis. Imperative or command sentence regulating prohibitions and obligations is typically used to

perform the legal directives. They are featured containing a main verb in its original form or an auxiliary in its original form followed by an appropriate main verb. Since imperative sentences are applied especially to regulate prohibitions and obligations in a legal text, they are successful in realizing the regulative speech acts of legal English and establishing the authority of the lawyer.

Thirdly, as for the textual metafunction, the thematic system was analyzed. The multiple theme and the clausal theme are the distinctive feature used in the legal memorandum. The author found that the written language uses rich but standard vocabulary, simple sentence structure of some variety, densely complex phrases, and fewer adjectival modifiers. On the other hand, two kinds of structure can be seen. One is the syntax where the subject is omitted. The other is the syntax of a phrase rather than a sentence, which may be a prepositional phrase, a noun phrase, or a verb phrase. In the text, it should be better to spell out a number to begin a sentence so that the whole demonstration is carried out in a well-organized process. Furthermore, all good English legal memorandums are observed to possess four basic characteristics which can be briefly described as: Accuracy, Clarity, Simplicity, and Concision.

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