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Dear Paul: Language Tips Questions and Answers

Paul Morris*

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Abstract

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Once again, it is time to answer the plethora of inquiries I receive monthly re: language tips.

Dear Paul: What does "plethora" mean and what is it's proper use? Signed, MJWCM, Kendall.

Dear MJWCM: First of all, you have way too many initials, so I will simply refer to you as "M", or as all good appellate practitioners would state, the symbol "M" will be used to refer to MJWCM. M, you should know that "plethora" is one of several words which tell the reader: "Hey reader, look how I can use an impressive word instead of a simple word." The other words are dearth, cavil, deluged, and re. (By the way, I think "plethora" refers to a small fish that hangs around sharks for leftovers. Sort of like associates in a law firm.)

ATTENTION READERS: Notice how M suffers from the dreaded disease of *apostrophitis*. M should have used "its", not "it's". More about this later.

Dear Paul: Let me ask you something. Which is more better, pled or pleaded? Signed, F.L. Bailey, Trial Lawyer.

Dear F.L.: Let me ask you something. Where are you from, Long Island or what? Do us all a favor and stick to litigation. But you do ask a good question. The best way to answer your question is by illustration. Here is an example of the correct usage of "pled": "Through his motion for attorney's fees, the attorney *pled* the opposition dry." Now notice the difference in the proper usage of "pleaded": "The court reporter appeared in a well-*pleaded* skirt." (NOTE: I am not gender biased. By this last example, I am not suggesting that all court reporters are female. Therefore, please feel free to substitute the following illustration: "The court reporter appeared in a well-*pleaded* kilt.")

* Paul Morris is a sole practitioner in Coral Gables, Florida specializing in civil and criminal state and federal appeals. He has written and lectured on behalf of the Florida Bar and various state and national organizations. He writes a monthly column entitled "Appellate Tips" in the Dade Bar Bulletin.

Dear Paul: We are 14 and 12 years of age, respectfully, and we read your columns or else you won't give us our allowance and you are constantly correcting us whenever we say things like Pat and me are going to the movies, or Pat went with Ashley and I, and stuff like that, so we wrote you a letter like you wanted and can we rent a movie now like you promised? Patrick and Ashley, Kendall.

Dear Patrick and Ashley: I am not constantly correcting you, okay? By the way, you should have used "respectively", not "respectfully", okay? Also, don't you think that seeing "Wayne's World" 18 times is dangerous to your health? Please go to medical school.

Dear Paul: Which is right—none of the judges is correct, or none of the judges are correct? Signed, W. Rehnquist, Washington, D.C.

Dear Bill: Both are wrong. All of the judges are always correct.

Dear Paul: Could you clear up the confusion regarding he, she, his, her, their (s)he, it? B. Abzug, New York.

Dear B.A.: My tenth grade French teacher, Ms. Diello, used to explain that the preference for the masculine "he" or "his" as the singular pronoun (as in "the student took his place") was based upon, as she would always put it, "the ancient and stupid theory that men are superior to women." Obviously, she was just joking. Anyway, you can avoid the confusion simply by pluralizing everything. For example: "The students checked their pistols with the gym teacher."

Dear Paul: Is it wrong to refer to "a client of Paul's"? Signed, a client of Paul's.

Dear Client: A client of Paul's WHAT? Simply say "a client of Paul." More apostrophitis.

Dear Paul: Why do attorneys tell us at oral argument that the trial court *aired*? Signed, A. Nony Mouse, Appellate Judge.

Dear Judge: Unless they are mispronouncing "erred", why not ask them: "Counsel, what exactly did the trial court air?"

Dear Paul: How should we pronounce all those French words that creep up in the legal arenas and what do they mean? P. Trudeau, Montreal.

Dear P. Trudeau: Whatever happened to you? Anyway, I think I know which terms are troubling you. "Voir dire" is pronounced "voyeur dyer", at least in Florida, and obviously comes from the derivations for "voyeur" or "one who likes to look" and "dire" or "extreme" as in dire

straits. Thus, "voir dire" refers to "one who likes to look a lot." You probably are also concerned with "en banc" and "venire", which are pronounced "in bank" and "ven eye or eee", and refer to where you put your money and what you put on furniture, respectfully.

Dear Paul: I just finished reading a trial transcript and after the verdict one of the attorneys asked to "pole the jury." What does that mean?
A. Dershowitz, Mass.

Dear A. Dershowitz: Unless the court reporter meant "poll", that means there were some very surprised jurors.

If you are a reader of Paul's or its time you asked a question because you never asked a question before (before what?) [e.g. marshall], I look forward to hearing from you et al.



* PETER V. MACDONALD, Q.C., MORE COURT JETSERS 134 (1987) (Illustration by David Brown).