How to Win Friends and Impress Clients With Latin

Paul Morris*

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Abstract

As a specialist in appeals, I know that there is good legalese and bad legalese.
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As a specialist in appeals, I know that there is good legalese and bad legalese. Good legalese is used by appellate lawyers and appellate judges. Bad legalese is used by everyone else. Here is an example of bad legalese: "The plaintiffs sued the defendants." Now, contrast that with this example of good legalese: "Sub judice, the plaintiff's, etc, et alia, brought the qui tam cause of action, vel non, e.g., per diem veni vidi vici." The difference should be obvious. The sentence with the good legalese has italicized words.

Most attorneys are unfamiliar with such good legalese either because: (a) they are not appellate judges or appellate lawyers or (b) they have never read appellate decisions. Haven't you ever wondered why some litigants hire your opposition? If you had the chance to ask them you would be surprised to know how many would say: "You have a great reputation, but when I learned how many more italicized words were being used by the competition, the choice was obvious."

This article will give you the powerful legal vocabulary needed to impress clients. These words and phrases will also make you more persuasive in the eyes of trial judges who will discern from your vocabulary that you have the means for obtaining reversals from the appellate courts. Be sure to notice how many of these words look good in italics no matter how inappropriate.

Pendente lité: A hanging ornament with fewer calories.

Sui generis: Those heaping portions served at Chinese restaurants.

Sub silentio: Literally "quiet submarine." Use this term when analogizing to Tom Clancy or Jules Vernes books.

Et al: This is obvious. For example: "When Joe and Al went shark fishing and Al fell overboard, the shark et al."

Writ of coram nobis: Disposing of a very expensive watch, as in "I went broke so I got writ of my coram nobis."

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* For a great summary of Paul Morris' entire existence, see supra p. 730.
Writ of prohibition: What the 21st Amendment got.

Rule of leniency: This is what happens whenever you ask the surly waitress if the pastrami is lean. The surly waitress will always respond: "If you want lean order something like corned beef." See also "equitable lean."

Ne exeat: This is the command you give to a horse named "Exeat" when you want him to speak. I once placed a bet on "Exeat," who is presently in my children's petting zoo.

Mandamus: Not to be confused with that movie Mandingo, where prize-fighter Ken Norton commenced his spectacular film career. However, you are just as likely to obtain judicial relief from filing a petition for a writ of mandamus in federal court as you are renting the movie Mandingo.

In loco parentis: How teens view their mothers and fathers.

Infra, contra, supra and accord: These words are mistakenly used interchangeably but actually have different meanings. The first means "below" or "under." The second has something to do with Nicaragua, so don't use it. The others are Japanese automobiles. Watch for the soon to be released Mercedes Pauperis.

Pro bono: Derived from a phrase that means "as Cher's first husband and business partner, Sonny Bono did for her." For example: "Your Honor, I am representing this client pro bono," means you are helping the client, the client will make lots of money after you have finished with the case, the client will never appreciate what you have done, and the most you can expect in return is that a bunch of whackos in California will elect you mayor.

Federal habeas corpus: Thanks to the presently-composed Supreme Court of the United States, this phrase is now an oxymoron.

Oral argument: An opportunity for the appellate judges to give false hope to the loosing party.

En banc oral argument: An opportunity for the judges on the original panel to explain to the other judges why they were correct.

Rehearing: A synonym for "denied."
Morris: How to Win Friends and Impress Clients With Latin

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Conflict certiorari: What the Supreme Court of Florida says it is exercising when it disagrees with a district court opinion.

Certified question of great public interest: When you win an appeal in the district court of appeal and your client cannot afford any further review, the district court of appeal “certifies the question” to the Supreme Court of Florida for you (whereby, by the way, you will lose). See pro bono.

You have just read the most critical words and phrases needed to improve your practice. You might want to clip this glossary and keep it on your person for easy reference. On the other hand, it is not so late to make more money and be more appreciated (e.g., go to plumber’s school).
February 29, 1993

Professor James D. Gordon III
J. Reuben Clark Law School
Brigham Young University
Provo, Utah 84602

Dear Jim,

Sincerely,

Kenny Hegland
Professor of Law

P.S. You would have read it any way you wanted to anyway.

March 5, 1992

Professor Kenny Hegland
College of Law
University of Arizona
Tucson, AZ 85721

Dear Kenny:

Thanks for your letter. Thanks especially for all those nice compliments. You are too kind. I don't deserve more than half the compliments I was able to read into the letter.

Sincerely,

James D. Gordon III
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J. Reuben Clark Law School
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MORAL: A deconstructed world is a happy one.*

* Although not necessarily in that order.
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The Top 10 Ways the Justice System Would be Different if Bears Sat on Juries

10) Bringing live salmon into the courtroom would be considered jury tampering.
9) The wastebasket in the jury room would be constantly tipped over.
8) To prove insanity, the defendant must turn down a piece of grub-infested bark.
7) Use a tranquilizer gun, go to jail.
6) John Gotti would fix his trial by putting a guy in a bear suit on the jury.
5) When put up in a hotel room, jurors would have trouble dialing out.
4) For reasons too complicated to explain, Leona Helmsley would be free.
3) Girls who break and enter, then steal porridge, would be more likely to get the chair.
2) If sequestered too long, the jury would tend to hibernate.
1) The punishment for every crime: foot in bear trap.