Dear Paul: Language Tips Questions and Answers

Paul Morris*
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Abstract
Once again, it is time to answer the plethora of inquiries I receive monthly re: language tips.
that the gist lies elsewhere." A Double Session works as a dredge "which sucks up rocks, sludge, and algae, leaving the water behind." This is the way it would work on footnotes and text:

Footnotes are a manifestation of creativity, thereby contributing to legal scholarship. They leave permanent landmarks to obscure information. In the hands of a master, footnotes can be art, humor, and candor. "Encountering [a footnote] is like going downstairs to answer the doorbell while making love." "Student-edited journals are the scandal of legal publishing.

You get these kids who check for all the commas but not for substance." "There is the old story of the sadist and the masochist who got married. On their wedding night, the masochist began 'Darling, beat me, hurt me' The sadist said: No."  

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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 apostropheitis. 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 do you 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 "pledged": "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.

Published by NSUWorks, 1995
Dear Paul: We are 14 and 12 years of age, respectively, 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 are 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? I'm B. Ahzug, 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 Paul: Why do attorneys tell us at oral argument that the trial court erred? Signed, A. Nony Mouse, Appellate Judge.

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

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

Dear P. Trudean: Whatever happened to you? Anyway, I think I know which terms are troubling you. "Voir dire" is pronounced "voy dair", 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 "en bank" and "ven eye ree", 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 "poli", 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.
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.

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Notes and Comments: A Law Review Article

Patric M. Verrone

I. INTRODUCTION: WHAT THIS ARTICLE IS ABOUT

This is the first sentence of a generic law review article. Just like the opinions, treatises, and other legal writings cited within it, it will be convoluted, confusing, long-winded, and, worst of all, excessively footnoted.

The argument to be presented in this article is as follows: A number of difficult cases have been erroneously decided by underpaid, overworked appeals court judges. The cumulative effect of these cases is a bad trend in the law which has caught the eye of a research junkie who is looking for tenure or an appointment to the bench. This "scholar," who needs to get something published quickly, argues that this bad trend is based on a bad standard of review, and proposes an alternative standard of review which will correct the trend. Unfortunately, the article is never read.

* © 1993 Patric M. Verrone. B.A. 1981, Harvard College. J.D. 1984, Boston College Law School. Mr. Verrone is a writer in the sixth year of a three-month sabbatical from his Florida law practice. His writing credits include "The Tonight Show Starring Johnny Carson" and "The Larry Sanders Show with Garry Shandling." He is currently writing a movie which will include the titles of over 200 of Judge Alex Kozinski's opinions.

1. This is the first footnote of said article.
3. Id.
4. See: Four footnotes already (see supra notes 1-4).
5. Made you look.
6. Actually, by underpaid, overworked law clerks.
7. See supra note *.
8. So that he can get some underpaid, overworked law clerks of his own, see supra note 5 and contribute to a new and equally bad trend in the law.
9. Quotes provided for the sarcasm impaired.
10. And what could be quicker than a series of paraphrased excerpts from someone else's writings edited and cite-checked in such detail that any original writing on the part of the author is reduced to the biographical note? See supra note *.
11. They might as well have just copied the dissenting opinions word-for-word and lay in one big, fat citation, followed by a bunch of Ids.
12. Don't even think that the footnotes get glanced at. If they were really important, they'd print them in regular sized type.