

Legal Writing Advice:
Questions and Answers

by
Gertrude Block

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To my husband

INTRODUCTION

More than twenty years ago a colleague on the faculty of the University of Florida Law College suggested that I write a column for the *Florida Bar News*, the organ of the Florida Bar Association, to answer questions that Florida attorneys ask about language. I agreed to do so with considerable misgiving. Who, I wondered, would bother to send questions about language, legal or otherwise, to someone they had never heard of?

To my surprise, once my “Language Tips” columns were published, questions from lawyers and other readers began to arrive. Some readers asked questions about grammar. Others asked about the meaning and etymology of ordinary words. Still others wanted to know whether certain language is stylistically acceptable. Currently five bar journals print my language columns as regular features. I enjoy writing these columns so much that, although I have retired from the University of Florida Law College, I continue to write them.

Readers often send challenging questions. Occasionally my responses elicit further questions and sometimes debate about the answers. A correspondent suggested that readers might like to see their names in print, so I now ask those who send questions whether they would like their names mentioned, and surprisingly, many do. The mention of names brings additional letters—and sometimes disagreement from other readers.

Some questions have been asked repeatedly; for example, questions about the honorific *Esquire*. Lawyers ask whether to add *Esquire* to their letterheads and whether to use the honorific following their signatures and when referring to themselves. Women lawyers ask whether they can call themselves “Esquire.” (My answers to those questions brought forth a flurry of letters, which you can find in the chapter on Style.) Persons with law degrees who do not practice law, and others who have law degrees but have

never taken the bar examination, ask whether they can use the honorific nonetheless.

The question of whether *Ms*, with or without a period, is an appropriate substitute for *Miss/Mrs*. brought a flood of letters from readers who agreed or disagreed with my answer or with the comments of other readers about my answer. (For some readers' comments, see the chapter on Propriety.) More than a hundred letter-writers have asked whether it is proper to use *Gentlemen* as the salutation for a business letter. (See the Style chapter for my response to that question and to readers' comments about my response.)

New words or new meanings for old words always bring questions and comments from readers. Many protest the verbs *impact* and *disrespect*, which they argue should only be nouns. The short version of the latter, *to dis*, brought furious reactions from some readers. Verbs like *administrate*, *reference*, *enthuse*, and *desk* (as in "He's only desk-ing it up there") offend many. Discussion of these and other language changes are discussed in the chapter on Etymology.

But my own error in answering a question brought the largest response of all. It began when a New Jersey reader who read my column in the *New York State Bar Journal* asked what the word *agita* meant. Having no idea that this word was commonly understood and used by what later seemed to be every New Yorker, I diligently researched the question, applying linguistic and etymological theories, and tentatively arrived at a totally wrong conclusion.

As soon as the column appeared in the *Journal*, so did an avalanche of letters from New Yorkers, correcting me. Even today, some two years after the column appeared, I continue to receive comments about my answer. For example, a kindly email has just arrived from a college professor who described herself as a "native Brooklynite of Italian extraction."

One comfort gained from the magnitude of reader response: the proof that a lot of New Yorkers read my "Language Tips" columns. (For my answer to the question about the meaning of *agita* and letters from New York readers about my answer, see the chapter on Meaning.)

But the questions I have been asked most often over the years are, "Have you written a book about your columns, and if not, why not?" Or, "I save your columns and share them with colleagues. But I do not have all of them. Where can I purchase a collection?"

The following pages respond to those questions. For convenience, the book is divided into chapters on Meaning, Etymology, Style, Propriety, and Grammar, with subdivisions under each heading. Readers can turn first to a subject of particular interest and will probably discover that other readers have previously asked the same questions. I have retained the original question-and-answer format of my columns on language. Categorizing the questions has sometimes been a problem. Because some subjects might properly fit into more than one section, some duplication occurs. Usually, however, I have arbitrarily placed questions into whatever chapter they seemed to fit best.

May you enjoy reading this book as much as I've enjoyed writing it.

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