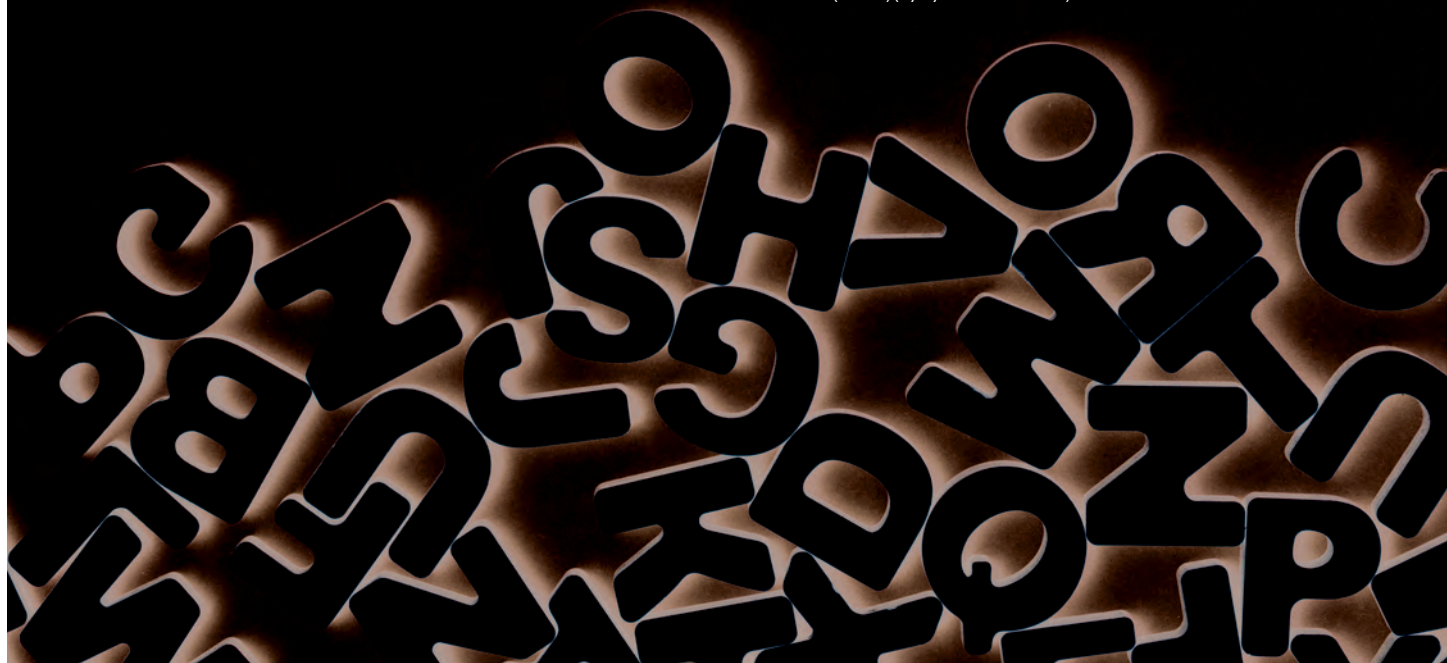


by Marc D. Jonas

n the course of human events, it has become evident that the language of lawyers, with or without some Latin thrown in, is unavoidable and, perhaps, incomprehensible. In everyday contracts, the paragraphs are long, the sentences go on almost forever and the words are ponderous. Have you seen a letter that begins, "Please find enclosed herein ..."?

something, instead they “indicate.” On the other hand, language, grammar, syntax, declensions, *et al.*, *inter alia*, can be surprisingly engaging and entertaining. *E.g.*, the Oxford comma. See *Rebel with a Clause* by Ellen Jovin.

Having practiced and endured the practice of law for some ** years, having spoken to and written to lawyers, clients and judges, and having been written and spoken to, I seized (*carpe diem*) the opportunity to attempt to lighten the nonlawyer's linguistic load by identifying and translating, with some humor, I hope, words and phrases that my colleagues and I have foisted upon our friends and neighbors, not to mention colleagues, clients and the bench (*infra*)(a/k/a see below).



Chapter 1 (or I or One or First) — *Personae Grata*

Judge. Not Wapner, not Judy. The courtroom's big cheese, kahuna, majordomo, the all-knowing, all-hearing, omnipotent master of the courtroom universe. Until the appeal, that is. Does the robe remind you of a long kilt?

Lawyer. Also known as attorney, counselor, barrister, solicitor, in house counsel, out house (?) counsel, law school graduate, advocate. One knowledgeable in the law, hopefully licensed, or who charges like he/she is.

Marshal. See Earp; see Dillon, who may have been seeing Miss Kitty. A law enforcement or administrative official, for example, a U.S. marshal, fire marshal, Penny Marshall (see *Laverne and Shirley*). *N.B.:* Only one I.

Prothonotary. No kidding, this is a real word, especially in Pennsylvania, home of the state liquor store system and the grammatically incorrect "You've Got a Friend in Pennsylvania." Look this one up in your *Funk & Wagnalls*. Fancy term for chief clerk of a court.

Philadelphia Lawyer. No kidding, according to *Merriam-Webster*, "A lawyer who is exceptionally knowledgeable and skilled in the most minute aspects of the law." Aw, shucks.

Chapter 2 — *Personae Non Grata*

Adversary. The other guy/gal, he/she who is wrong. Opponent, foe, antagonist, he/she who is responsible for everything that is wrong with the world and then some.

Bailiff. Not a picturesque town in Wales. The following is incorrect: "You will post bailiff you want to stay out of jail." Not exactly iambic pentameter, but maybe a rap song? Political buddy. Per *Black's Law*

Dictionary, the "officer charged with keeping order, custody of the jury, among other responsibilities."

Tipstaff. Let's see now, someone without a big stick to whom no gratuity is owed. A political buddy of someone, maybe the bailiff's brother. See above, or below, depending upon whether I remember to alphabetize. According to *Merriam-Webster's Collegiate Dictionary*, this goes way back to 1535 and refers to a staff tipped with metal and, not surprisingly, an officer bearing such staff, unless, of course, such staff was unbearable. Which reminds me of a camp I attended.

Chapter 3 — Bad Things

Distrain. I once had a blind date who suggested we use these. Whoops, wrong book. The act of distraining. Helpful? *Distrain*, as in, "When is dis train coming?" Actually, to seize property for satisfaction of a debt.

Execution. What you would like but mustn't do to the other guy or gal or corporate president (see "adversary"). Actually, this can mean the signing of a document or carrying out or implementing some legal act, such as trying to collect on a judgment by executing on property.

Lien. From the song "Lien on me." As in judgment or mortgage lien. A claim that attaches to or is filed against personal property or real estate to coerce, that is, secure payment of a financial obligation.

Replevy. Jewish member of the Legislature? The seizure of personal property by a creditor. I really loved that VCR.

Chapter 4 — Good Things

Can't find any. Still looking. Google, Help!

Chapter 5 — Sexy Terms

Consortium. Usually preceded by the words "loss of." Companionship. Something a



**Have you seen
a letter that
begins, "Please
find enclosed
herein ..."?**



**From a time when
the mind of man
runneth not to the
contrary. Huh?**



spouse sues for, since loss of consortium means that you're probably missing or not going to get you know what, which you probably haven't gotten for years anyway, but don't tell anyone.

Inducements. Those things that induce.

Paralegal. One less than thricealegal? Someone trained to assist a lawyer, doing such lawyer things as research and drafting (close the window) documents, among other thrilling and mundane tasks.

Termination/voluntary withdrawal. No, it's not what you're thinking or shouldn't be thinking. The end of a lawsuit by agreement or unilateral action. Close to discontinue.

Tort. Not a French pastry and not what you tort it was. A tort is a civil wrong, a breach of a duty, not arising from a contract. Negligence is based upon the breach of a duty to use reasonable care, which perhaps the author should have exercised here.

Tort Reform. The process of making the French pastry behave better. No, that's not right. How about the too popular

(according to the trial lawyers) notion whose goal is the reduction of lawsuits and large damage verdicts by (1) limiting the amount of damages given for "pain and suffering," (2) limiting the amount of punitive damages and (3) awarding attorney's fees (choke, choke) to the victor in the lawsuit.

Chapter 6 — Surplusage

Hereinafter. Not the great beyond of religion but merely "after."

Hereinbefore. If you have been concentrating, if only for a little bit, you know this one: "before."

Surplusage. An excess of surplus, a lot, too much. See any lawyer's letter or contract for an illustrative illustration that illustrates, notwithstanding anything to the contrary hereinbefore.

Chapter 7 — Favorite Phrases of Someone

Alia iacta est. Not used much in the law, but a Latin favorite from high school with



How come the judge always gets to sit down? And why is he/she always higher up?

real punch. “The die is cast” or there’s no turning back now. The moment when the client pays the financial retainer.

Appeal dismissed as having been improvidently granted. Only the Pennsylvania Supreme Court could come up with this one. It means, I think, that the court really didn’t mean to decide to listen to the case after it decided to listen to the case and get everyone’s hopes up (or at least one side’s hopes up). This change of legal heart all occurs, of course, about one and a half years later. The court’s inimitable way of saying, “Sorry,” or to quote the late Emily Litella, “Never mind.”

From a time when the mind of man runneth not to the contrary. Huh? As far as anyone can remember.

Res ipsa loquitur. You’d think that this phrase would speak for itself. Oh my gosh, what a coincidence, that’s just about what this means: “The thing speaks for itself,” according to our friend *Black’s Law Dictionary*.

Chapter 8 — ORs AND EEs

Mortgagor. The owner of the financially encumbered (another good word) domicile, i.e., house.

Mortgagee. The lender to the mortgagor, the financier, the one with the dough or bread or funds or scratch or moolah. You get the picture.

Lessor. The landlord, the owner of the property that is leased, not lessed. The guy/gal never around when the heater breaks or the ceiling leaks. He/she with the unlisted phone number.

Lessee. The one who pays the Lessor, most times monthly. A/k/a the tenant.

Chapter 9 — Latin (It’s All Greek to Me)

Damnum absque injuria. Harm without injury. Step on your neighbor’s grass, and it’s a trespass, but there is no damage. When the client screams, “What do you mean, I can’t collect anything?”

Et al. *Et* means “and.” Thus, this means “and little Al.” No, that can’t be right. The abbreviation for *et alia*, meaning “and others.”

Et ux. Feminist alert! This means “and the little woman” or wife, as on a deed: John Jones *et ux*. For “and the husband,” use *et maritus* or, at your risk, “big man.” This raises the vexing question of comma placement when faced with quotation marks. For the answer to this question and more, see the reference cited earlier, now a movie: *Rebel with a Clause: A Rollicking Grammar Road Trip Movie*.

Pro bono. For the good of someone (other than the lawyer). This means that the lawyer is doing something for ... it’s difficult to say ... nothing, nada, for no charge. Enough already.

Chapter 10 — Favorite Places

Bar. A veritable plethora, cornucopia of meanings. Is it (a) where the lawyers hang in the courtroom or (b) where the lawyers



jury of our peers. In the U. S., the “bar” refers to the legal profession. In England, the “bar” is the railing or partition that separates the judge and lawyers from the hoi polloi (it’s all Greek to me). This is becoming too informative. A great opening line at a singles bar: “Hey, guy/gal, how about a sidebar?”

Spring Lake, New Jersey, and Lake Placid, New York. Two of my favorite places and some teasers for my next book, *Good places to vacation without lawyers.* ☺



Marc D. Jonas is a land use and municipal law attorney in Blue Bell, Montgomery County. A graduate of the University of Pennsylvania and the University of Pennsylvania Law School, he began

his career as law clerk for President Judge James S. Bowman of the Commonwealth Court of Pennsylvania. He has been recognized by his peers and by *Best Lawyers in America*, as the 2023, 2021 and 2018 Lawyer of the Year for Litigation in Land Use and Zoning Law in the Philadelphia Area. He can be reached at mjonas@eastburngray.com.

If you would like to comment on this article for publication in our next issue, please send an email to editor@pabar.org.

hang when they leave the courtroom? Personally, I like (b).

Bar association. A loose confederation of pubs or, more accurately, a loose confederation of denizens of pubs.

Bench. How come the judge always gets to sit down? And why is he/she always higher up? Who does he/she think he/she is: Jimmy Kimmel? Stephen Colbert? (Does anyone remember *The King and I*?) Refers to the seat of honor occupied by his/her Honor, here comes the judge. Also refers to all of the judges of a particular court, as distinguished from the bar, being those who bite their tongue and grovel.

Sidebar. Here’s a surprise. *The Merriam-Webster Dictionary*, “America’s #1 Paperback Dictionary” defines this as “a short news story accompanying a major story and presenting related information.” Forget it, since this has nothing to do with what we saw and saw and saw (enough saws for a workshop) during the O.J. trial and tribulation. A sidebar is a discussion between the attorneys and the judge during a trial out of the presence/hearing of the

Grow Your Business with PBA Sponsorships

- **Elevate** your professional reach by becoming a valued Pennsylvania Bar Association sponsor.
- **Connect** with an exclusive network of leaders in the legal field, opening doors to endless possibilities.
- **Contact** us today to explore options and unlock unprecedented benefits.

Let us help you grow!
sponsorships@pabar.org