



Language for Lawyers

by Gertrude Block

Question: *I cringe every time I hear a judge, a lawyer, a journalist—or anybody—use the phrase “Where is he at?” It marks the speaker as a boor, in my mind; why use the redundant “at?”*

Answer: My thanks to Attorney Bill Coulson, for this question. There is no question that the adverb “where” includes the meaning of “to” or “at, so to add either “at” or “to” is incorrect and redundant. Then why do so many people add those words? The answer may have been surmised by a professor in a Linguistics -101 class. He believed that much of our language is adopted due to either assimilation or analogy. In this case, the redundant adverbs “at” and “to” seems to result from analogy. For example, it is grammatical and idiomatic to say, “Where did you come from?” So why not say, “Where is he going to?” and “Where is he at now?” as many Americans do. When it is also adopted by well-educated people, that redundant usage will become idiomatic.

Question: Correspondent Judith Tandon apologized for her “rant” when she wrote that she was annoyed at the wrong case of pronouns in sentences like: “Do you want to go to lunch with David and I?” She said that some teachers actually tell their students that using the proper pronoun (me) is wrong, or even rude!

Answer: The ungrammatical subjective personal pronoun *I* bothers me too, but I have pretty much given up on the subject of “I” for “me,” and “me” for “I.” Unfortunately, when well known, respected, and admired people join the general majority in abandoning correct grammar, the battle to preserve grammatical tradition has been lost. Some illustrations unwittingly provided by notable speakers: In 1999, then President George W. Bush commented, during an official visit to Great Britain, about a planned meeting with Prime Minister Tony Blair, “I look forward to having dinner with *he* and Mrs. Blair.” Then, at the start of his first administration, President Barack Obama began a sentence with, “Between you and *I* ...,” in discussing the appointment of a new Secretary of Education.” And in 1996, Billy Graham commented during a sermon, “No one knows how much time *they* have left.”

Reader Malvina Nathanson writes that she still says “It’s I,” not the common “It’s me.” However the still-correct “It’s I” is almost never seen; in fact one author argues that it is “incorrect.” (It’s not; he is). But “it’s me” is now so widespread that it is probably idiomatic.

Question: “Please comment on the widening of the word *allude*. That verb appears in poetry and other forms of creative writing, and has no place in legal writing. Yet lawyers and judges say in court that

they “alluded” to an earlier concept, when they mean “referred.” In Maryland where I practice, this misuse is so common that I fear it will soon become acceptable.”

Answer: The verb *allude* exhibits a characteristic of the English language: words easily widen or narrow in meaning, especially words frequently used. This process has occurred at least since records are available, a prime example being the widening of the word *thing*, which in Old English (Anglo-Saxon) referred only to the Danish legal deliberative body. In modern English, *a thing* has broadened so extensively that dictionaries require almost an entire column to define it. In modern English a thing can mean almost anything—or even no thing. But when words broaden in meaning, they lose their precision and become vague. That is happening as a result of the broadening of *allude* by many lawyers. It has become less precise than it used to be, and if that trend continues—as it has with the adjective *unique*, for example—lawyers will have to substitute a more precise verb for *allude* in legal documents.

The reader also asks about the widening meaning of the verb *outline*. He correctly points out that to *outline* something is to provide only a brief summary of its main features. Yet lawyers constantly “outline” arguments that are already thorough and detailed. Two explanations for these unnecessary exercises: repeating unnecessarily an already detailed argument may persuade listeners of its correctness, and lawyers love to talk and (perhaps) to waste time.

Question: I am grading papers in an exam taken by my students [at an ivy-league college], and I find the relatively new verb-phrase *tasked with* replacing *assigned* or *asked to do*, appearing in sentences like, “I was tasked with researching a subject” But while I see that phrase a lot now, I still don’t like it. Why this silly substitute?

Answer: The professor’s question indicates the useful ability of the English language for common words to move into new categories: nouns become verbs, verbs become nouns, and adjectives become both. The noun *task* has become a verb. And the noun *research* (in the professor’s question) has also become a verb but we are now accustomed to the verb *research*, so we don’t notice. Newly created words are always noticed—and usually disliked—except by their creators. ☺