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Book Review: *A Dictionary of Modern Legal Usage*, by Bryan A. Garner

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BOOK REVIEW

A Dictionary of Modern Legal Usage, by Bryan A. Garner. New York & Oxford: Oxford University Press, 1987. Pp xviii, 587.

A book review about a dictionary? Good heavens, what sort of dull fellow reads such books? Aren't they all the same, about as exciting as the yellow pages?

This one is distinctly *not* like the rest. There are lots of legal dictionaries, but most of them are content to define legal language—arcane and otherwise—in the most prosaic terms. They are inclined to be books of curiosities and are generally treated as such by the profession. The author, an attorney with a prestigious Dallas firm, has written an altogether different sort of dictionary. He has given the profession a most useful book: helpful, easy to read, and often amusing withal.

The *Dictionary* does indeed contain definitions. They are useful, clear, and well worth the price of the book. But there is much more to the book than definitions. Mr. Garner has struck a prodigious blow for correct, effective, English usage. His book contains the answer to nearly every vexing question of English usage and meaning a lawyer can think of asking. You can find out whether to use “flagrant” or “blatant,” learn the difference between concurrent and pendent jurisdiction, and discover what a latrine lawyer is.

Some of the *Dictionary*'s definitions deal with words or phrases in current use:

De novo, adv. & adj. This LATINISM, usually an adjective [de novo review], as an adverb means “anew.” E.g., “we review a summary judgment *de novo*.”¹

Other entries enlighten archaic or little-used expressions:

Dempster; deemster. These are variant forms of the same word, which for most purposes has only a historical significance. Both mean basically “a judge.” *Dempster* was formerly used in Scotland, and *deemster* is still used on the Isle of Man. The *OED* notes that *deemster* “has been used in the general sense as a historical ARCHAISM by some modern writers”; the temptation to do so should be resisted.²

Still others deal with words often misused, or confused with other words, or both:

Precede; proceed. These words are sometimes confused even by otherwise literate professionals. Both may mean “to go ahead,”

1. B. GARNER, *A DICTIONARY OF MODERN ENGLISH USAGE* 176.

2. *Id.* at 177.

but in different senses. *Precede* = to go ahead of; to come before.
Proceed = to go ahead; to continue.³

The *Dictionary* does a great deal more than define; it educates. It tells what *aliquot* means, certainly. So will other dictionaries. But the *Dictionary* also tells how “a” and “an” are properly used. It provides whole lists of lawyers’ inanities to avoid. It warns of “abstractitis,” illustrating the warning with an opaque example from Critical Legal Studies twaddle. And it confirms what you always guessed, that “interface” is “jargonmaster’s talk . . . [and] should be left to computerese.”⁴

In short, Garner’s book tells a great deal more than what a word means. It tells *how* words ought, and ought not, to be used. It is directed at the practitioner who correctly understands that language is a persuasive tool of wonderful power. It is designed for the attorney who is not content with the prolix, imprecise maunderings that so often pass for legal writing. It is not a list of rules; neither does it urge blind adherence to any maxim of composition. It is dedicated to making sense.

The *Dictionary* is the latter-day American counterpart to Fowler’s classic *Modern English Usage*.⁵ I found myself leafing through the *Dictionary*, idly reading passages at random, enjoying the author’s crisp writing and good-sense comments on proper English usage. I have not so spent time with any similar book since I discovered Fowler, and that is the greatest compliment I can pay.

Garner’s rules of usage are not hide-bound pedantry but always sensible and designed for people who must persuade and explain in the real world. For instance, he accepts the need to split an infinitive where the splitting helps the sense of what is written. In fact, he warns against the awkwardness caused by “maladroït attempts to avoid splitting the infinitive.”⁶ He devotes more than three pages to an excellent discussion of the rules of punctuation.⁷ In these areas, and in every other he addresses, he uses examples copiously. There is no way to misunderstand his meaning.

The great value of the *Dictionary* lies in its intolerance of legalism, prolixity, and pretension in legal writing. Garner obviously knows that clarity and persuasion are the legitimate children of simple language, accurately used. His own writing is the very model of plain speech:

Join together is a redundancy that should be allowed to survive only in the marriage service, and there only because it is a bona fide remnant of Elizabethan English.⁸

A Dictionary of Modern English Usage should be on every lawyer’s desk.

3. *Id.* at 426.

4. *Id.* at 306.

5. H. FOWLER, *MODERN ENGLISH USAGE* (E. Gowers rev. 2d ed. 1983).

6. *DICTIONARY*, *supra* note 1, at 514.

7. *Id.* at 448-51.

8. *Id.* at 318.

There is virtually no writer's question it will not quickly and sensibly answer. It will make good writers better and improve the persuasive prose of anybody who will use it regularly. The attorney who needs it most will neither buy nor use it, but the rest of the profession will find it indispensable.

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