

How Do You Say “Affiant”? Legal Terms and Their Pesky Pronunciations

By David Lipschutz

I recently read a fascinating article in the America Bar Association Journal by one of my favorite writers, Debra Cassens Weiss. The article was titled, [“How is ‘amicus’ pronounced? Justice Breyer and Judge Jackson disagree with each other and the majority view.”](#)

What struck me most about this article was that two judges of the highest caliber could disagree on pronunciation of certain legal jargon. This article stirred up a particularly harrowing memory from my past.

Several years ago, I was called into the managing partner’s office to discuss a case I was preparing for hearing. As I sat across from the partner, I commented how I was going to have the affiant sign the affidavit in support of our brief. I pronounced affiant as “aah-fee-ent.” The partner tilted his head slightly and said, “uh-fie-unt.” I mirrored his head tilt and repeated, “aah-fee-ent.” This went on for a few moments while the partner and I had a stare down. We were both confident our pronunciation was correct. Then, the partner did what most kids with access to today’s technology would do – he searched the internet.

We in the legal profession think ourselves quite fancy since most of our legal terms are derived from Latin. Or German. Or a multitude of other non-English-based origins. Words like *prima facie* or *certiorari* or *ipsissima verba* are not only difficult to spell, they’re also difficult to say.

I remember appearing in front of an administrative law judge where I had to say *prima facie*. I am not ashamed to admit that I would initially say “pree-mah fah-chee” until finally, one day, the judge tilted her head slightly (a lot of folks apparently look at me like that...) and responded, “pry-muh fay-shuh, miss-ter lip-shoots?” Upon further review of the word, *prima facie*, like *amicus*, seems to have a multitude of conflicting pronunciations.

Attorneys are continually reminded that we need to keep up to date on all of the constantly changing laws and rules. We are also continually reminded that we must dive deep into legal research (and always shepardize our cases) when prepping a particular argument. However, we must not forget how important pronunciation of the words we say are when making these arguments. Before telling a judge that *res judicata* applies, or that the defendant’s *modus operandi* is to commit the crime, or even that your peer secretly has a *scandalum magnatum*, perhaps make sure you are pronouncing the legal term or phrase correctly.

Of course, in order to do so, you have to trust that the internet will provide you with accurate information. Unfortunately, the internet can often be wrong. For example, the internet was wrong when the managing partner discovered that affiant is pronounced “uh-fie-ent.” I think we can all agree that my pronunciation was correct, right? Right??

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