

牛津现代法律用语词典

A DICTIONARY OF MODERN LEGAL USAGE

SECOND EDITION

Bryan A. Garner

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**MODERN
LEGAL
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出版说明

法律出版社作为法律专业出版机构,我们一直致力于寻找一部简明实用的法律英语辞书奉献给法学界和法律界人士。

《牛津现代法律用语词典》就是一本再恰当不过的工具书。它涉及法律专业英语写作中的诸多方面内容,如法律术语和特殊惯例;单词构成、时态、拼写和发音;标点和字体等。当然,并不是每一个词条都包括上述方面,而是根据需要,有详有略。法律专业英语写作从纠正语法错误到构建法律论点,再到区分相似但却不同的法律英语术语的过程中,常常遇到许多棘手的难题,这些难题在这部词典中都有权威的解答。不仅如此,作者还精细而准确地阐释了那些深奥难懂的法律术语,并且使之简单明了;着意强调语法和用词中的细微差别,对容易混淆和出错的地方一一做了详细比较。为了便于查阅,所有条目均按字母顺序编排。正如作者在前言中所说,其宗旨是让法律英语写作者“在拿不准某个词或某语法点时,能很方便地在手头得到详细的解答”。

作者布莱恩·A·加纳是执业律师,也是一位学者,他编撰了十多部法律词典(工具书)和相关著作,主编了著名的《布莱克法律词典》(*Black's Law Dictionary*),他还是美国达拉斯一家专门为律师和法官提供写作培训的公司的总裁。

这部词典第一版已获得“最可信赖的法律用语指南和最具吸引力的工具书”的盛誉,在全世界备受推崇。与第一版相比,第二版则更是锦上添花。

我们坚信,这部词典对法律工作者(尤其是广大涉外律师)、法学教学研究人员和法科学生一定有所裨益。

2002年8月

第二版前言

尽管第二版增加了许多新内容,但是这并不需要做太多介绍。因此,我仅就有关引用问题和我所欠的文字债列举的名单作一说明。

熟悉第一版的读者会注意到我已经增加了几千条新的说明性引文,这反映了我在写作方法上所作的重大改变。

在第一版写作时,基于四个原因我省略了引文来源。第一,我遵循了 H. W. Fowler《现代英语用法》(1926)一书的写法,在他书中引用的句子没有说明来源[他与他弟弟 F. G. 合著的早期著作《国王英语》(1906)仅指明了大致来源,如《时代》,但没有详细的来源说明]。第二,因为引文仅仅反映了我那时阅读的东西,他们主要来源于得克萨斯法院和联邦上诉法院第五巡回法庭发布的司法意见。完成第五巡回法庭的书记员的工作后,在 1985 年我完成了初稿。我觉得,在这样一部著作中,不相称地大比例地引用第五巡回法庭的司法意见尤其不合适。第三,因为我已得克萨斯州执业,引用我可能要面对的法官的著作似乎是不明智的。最后,我所引用的律师的案情摘要并不适合于说明引文来源。

在本本书中我引用这些案情摘要时仍然没有说明来源,但是对于其他来源都做了充分说明。为什么?现在,我认为表明来源是有益的——无论从法律还是从词典编辑方面——所以,我没有继续使用 Fowler 的写作方法。另外,本书第二版的引用范围比第一版更宽,所以,我很高兴来源于得克萨斯和周围其他州的材料如果略多,也只是稍微超出比例。最后,我也很满意,在词典编纂中指出引文来源的价值远远超过冒犯可能违反语言规则写作的某些人的风险。

我力求不带感情色彩地使用引文。例如,这意味着我曾经并不是偏袒地引用我自己的著作(见词条 bequest)、我祖父的著作(见词条 feoff (c))和我导师 Charles Alan Wright 的著作(见词条 disinterested)。当然,就 Wright 的情况来说,引用他的上百个额外的例子中肯定有所偏爱的。

还有一件关于引文的事。在 1991 年以前,当本书的“蓝本”需要第一批参考书籍和文章作者的名字时,我收集了很多引文。这导致了大量无谓的工作,但是最后有几个难以回忆起来的引文出处,我和我的研究助手及法律图书馆的一些伙伴都没能填补这些空白。在那几个例子中,我迫于时间有限,遵循了 1991 年之前本书“蓝本”的形式。

读者们会看到本版书内容更加丰富,不仅增加了从案例中选取的引文,而且还有来自专著和其他来源的引文。如果不是1991年1月发生了一起小的词典编辑灾难,它的内容原本应当更为丰富。只要我还关心词典的编纂,那件事就不能不使我苦恼。当时,我安排通过海运把我在得克萨斯办公室的大约40本法律书籍托运到牛津词典部美国办公室。在这些书籍中我已经完全标出了选录的几千条例示引文,它们是我几年工作的成果。这些本应在我准备这一版书的时候交付给我的书籍神秘地消失了,他们已经永远难觅其踪了,这本详细标注的著作也许永远难以复制了。

尽管如此,许多朋友和同事给予我的鼎力帮助已经远远超过那个损失。我欠别人的情义很多。我必须也仅仅能以表格方式列举出他们的姓名,就像一位没有偿还能力的债主可能会做的一样。其中一些从未谋面的朋友给我发来了评论和建议。我邀请一些我交往多年的老朋友审阅涉及他们所从事的专业领域的一些条目。我很幸运,事实上,似乎没有一个被请的人不帮忙,他们都以出色的方式给了我帮助。他们是:

David Anderson	Thomas Gibbs Gee(已故)	Douglas Laycock
Michèle M. Asprey		Clyde Leland
Hans W. Baade	Lord Goff of Chieveley	Thomas B. Lemann
J. H. Baker	Erwin N. Griswold	Sanford Levinson
Griffin B. Bell	R. J. Grogan, Jr.	David J. Luban
John A. Bell	Alan Gunn	Joseph R. Lundy
Vicki V. Bonnington	Alan M. F. Gunn(已故)	Peter G. McCabe
A. W. Bradley	Neil MacCormick	Jeffrey B. Brawner
David Gunn	Becky R. McDaniel	John Browning
Robert W. Hamilton	Thomas O. McGarity	Robert W. Burchfield
Trevor C. Hartley	Lord Mackenzie-Stuart	Jenny Burg
John L. Hauer	Joseph McKnight	Beverly Ray Burlingame
Geoffrey C. Hazard, Jr.	Nanneska N. Magee	Peter Butt
Nathan L. Hecht	Karen Magnuson	Thomas Cable
Dewey R. Hicks, Jr.	John Mann	Lauren Chadwick
William B. Hilgers	Thomas Mayo	Neil H. Cogan
Nancy Hoagland	Sir Robert E. Megarry	Charles Dewey Cole, Jr.
Wm. Terrell Hodges	Roy M. Mersky	Kirsten L. Concha
Peter W. Hogg	Ernest Metzger	Edward H. Cooper
Steve Holmes	Richard H. Miller	Daniel R. Coquille
Tony Honoré	Fred Misko, Jr.	Sir Brian Cubbon
Hadley Huchton	B. Prater Monning	Robert O. Dawson

Lynn N. Hughes	James E. Moore	A. Darby Dickerson
Laird Hunter	Frederick Moss	Lance E. Dickson
Stanley Johanson	Ron Moss	Robert Eagleson
Robert H. Johnston III	R. Eric Nielsen	Frank H. Easterbrook
Michael E. Keasler	John T. Noonan, Jr.	Eric B. Easton
Robert E. Keeton	James A. Parker	David Elliott
William Keffer	David Peebles	Stephen F. Fink
Elizabeth S. Kerr	Kenneth L. Penegar	Betty S. Flowers
Joseph Kimble	Richard W. Pogue	Caroline B. Garner
N. Stephan Kinsella	Rick Prah	Gary T. Garner
Kenneth S. Klein	George C. Pratt	Teo Garner
Karen Larsen	Jonathan Pratter	Jack Ratliff
Katherine Smith	Richard S. Walinski	Alan Rau
David Simon Sokolow	David M. Walker	Hal R. Ray, Jr.
Bruce S. Sostek	Patricia H. Webb	Thomas M. Reavley
Joseph F. Spaniol	Russell J. Weintraub	Charles Rembar
Martin Stanford	Carla Wheeler	Christopher Ricks
Mark E. Steiner	Julie J. White	Kenneth F. Ripple
Alicemarie Stotler	Sir David G. T. Williams	Marlyn Robinson
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Barbara M. Tearle	Charles Alan Wright	David W. Schultz
Linda Thomas	Custis Wright	Fred Shapiro
Randall M. Tietjen	Suzanne F. Young	David J. Sharpe
Michael Tigar	Mark G. Yudof	Christopher Simoni
John R. Trimble	A. W. B. Simpson	John W. Velz

如果上述名单有所遗漏,这是肯定存在的,谨致歉意。

也许我欠人情最多的是格拉斯哥的 David M. Walker 和达拉斯的 Beverly Ray Burlingame。这些优秀的学者阅读了本书第一稿的全部内容并在空白处写下了详细的评论。我认为本书几乎每一页内容的改进都包含着他们付出的劳动。

法律图书管理员经常给予我帮助。我从奥斯汀的 Tarlton 法律图书馆的 Roy M. Merskey 和他的同事那里受益最大。尤其是 David Gunn 慷慨地为我查阅了数不清的引文来源。同样,南卫理公会大学法律图书馆也给了我极大的帮助。图书馆主任 Gail Daly 给了我两个包含辞典编辑书籍卡片的目录,它对我的研究非常重要,这并不是溢美之词(在当今电脑时代,这事也许听起来很古怪,但是,索引卡片对于辞典编纂者仍然是绝

对必要的)。最后,牛津 Bodleian 法律图书馆的 Barbara Tearle 和 R. G. Logan 热心地帮助我查找一些引文来源,如果不是他们,这些引文是无法找到的。正像你可能猜到的一样,我从来还没有遇到过我不喜欢的法律图书管理员。

我非常感谢南卫理公会大学法学院院长 Paul Rogers 分配给我研究助理资金,使我能够核实所有的引文和援引的案例。没有一位院长像他那样对一位前法学院成员如此慷慨,但是,南卫理公会大学的确就是这样一个特殊的地方。

我在我所从事的继续法学教育的教学中获益匪浅,这些教学主要是通过 LawProse 公司进行的。我还从在 LawProse 公司的我的同事 Betty S. Flowers 和 John R. Trimble 那里学到了很多,他们是奥斯汀市得克萨斯大学的英语教授。书中许多新的条目表明了他们给予我的影响:跟 Betty 我学到了很多有关写作方法的知识,跟 John 我学会了更多有关如何有效编辑的知识。John 提供了很多有用的术语,像“miscues”,还负责修改了缩略语方面的内容。

我也从几千名参与 LawProse 法律写作与法律文书起草专题学术研讨会的律师那里受益匪浅。通过提问和评论,许多与会者使我对一些具体的法律语言问题有了更深的理解。

我所创立的关注现代法律语言用法的 H. W. Fowler 协会的会员为词目提供了许多例子,出了不少主意。最值得注意的是 John W. Velz,他是奥斯汀市得克萨斯大学的名誉教授,一位伟大的莎士比亚学家,诚心诚意地给我寄来几百条“词语拾遗”。如果不是他,这些词条就不会在词典中出现了,如 wile away 和 wreckless。

非常感谢牛津大学出版社的 Claude Conyers 和 Nancy Hoagland。Claude 多次同意了我这样那样的提供额外帮助的请求。Nancy 是作者梦想的产品编辑:追求完美并且对这本书有她自己非常特有的看法,但是,在一些很少有的我坚持反对她对书稿的改进的场合,她仍然对我温雅有礼。

我非常感谢我的妻子 Teo,在我艰难写作时她给予我全部的支持。1981年,在我到法学院的第一周,我告诉了她撰写这本书的计划——当时我甚至告诉了她书的名字——但她并没有嘲笑我。的确,是她给了我鼓励。就在那一周我们谈定了终身,她看着我在3×5的卡片上开始了这项工作。到了第二年,卡片已经堆成了山。在1981年到1987年之间,她支持我,看着这本书梦想成真,本书第一版和第二版的许多词条都因她博士的评价而受益。

当这部词典1987年出版的时候,我们的女儿 Caroline 刚刚诞生大约6个月,有一张很滑稽的照片,她坐在一尺高的书稿旁边。现在她已经8

岁了,她的妹妹 Alexandra 也已经 3 岁,同时,书稿也比过去增加了一倍。我的两个女儿还在不断成长,但是,我希望这部词典已臻成熟,尽管对此我还心存疑虑。

第一版前言

1921年,美国律师协会杂志登载一篇文章,呼吁出版一本“法律英语写作”的书,^①作者 Urban A. Lavery 指出,律师查阅的语法和作文方面的书籍,连他们查阅的法律书籍的百分之一也没有。但是,正如该文作者所言,当需要使用令人信服的论据或者清晰的表达方式的时候,良好的写作基础通常比罗列一堆案例更重要。^②自 Lavery 表明其观点起,出版了很多“法律英语写作”的书,但这些书总是涉及面窄或不能让读者一看便解决法律英语写作中出现的语法和体例方面的问题。本书的目的就是弥补这方面的不足。

英美法有它自己的语言,其构成包括不常用的大量外来语、古语、专业术语以及隐语等。这种正式文体反映了法律从业人员法律工作的严肃和庄重。史料充分表明,法律语言的这些与众不同的特点在律师的写作与发言中体现得很明显。但是大量的法律词语用法还没有被系统地搜集整理。

作为一种专业语言,法律语言常有显著的可变性,这很大程度上因为法律语言不能完整地记录和描绘下来。这方面它和18世纪以前的英语相似——语法家尝试减少变化并使许多模糊用法更具有逻辑性。当然,这并不是说,法律语言有伊丽莎白时代的英语的可塑性,当时,在有创造性的天才如莎士比亚那里,英语可以极具表达力和感染力。相反,遵循先例是我们法律制度的核心,法律写作者通常要查多得让人生畏的先例,以便准确地弄明白以前法律文书是怎么写的。结果,一代代下来,许多法律语言的表达方式变得僵化难懂,并且该语言的承继者们总是不能将单纯的形式同必需的内容区别开来,在一定程度上,形式和内容一直被分离。

传统的法律家们并不想轻易放弃长期使用得很好的东西也许是合理的。当然,单是因为传统也不足以保持过时的语言形式。现代法律写作者必须致力于在简化法律英语上达到一种平衡。他们不应当厮守着这些年复一年越来越词不达意的传统语言,但也不能完全放弃所有带有法律传统烙印的短语和单词。

对法律专业学生而言,他们学习将来需要的专业语言,包括离奇的行

^① Lavery, *The Language of the Law*, 7 A. B. A. J. 277 (1921).

^② 同上注。

话、特别的习惯表达方式、语法特点,而有些新词即便是在当今最新最全的词典里也难找到。这些语言学上的事情,通常很少被律师和法学教授讨论,但是,这却是他们口头和书面法律表达的一部分,新入门的律师们则每天吸收这些东西,并且无意识地学习使用它们。这种吸取语言过程中的偶然性常常导致矛盾的、多变的语言习惯,需要对此进行规范、说明,在有些情况下需要加以理顺。

基于法律语言的这种现状——发展过程、使用上的挑战、吸取方式——本书则致力于三个主要方面。

首先,帮助律师们跨越法律语言的沼泽。过去,每个想得到这方面指导的人,最后得到的都是一般性的写作手册。这本词典不敢妄称全面,但它提供了数百条具体的使用要点。因为律师写的都是较正式的文书,词典中建议的语法和用法都相对保守。写作中出现的失误会引起有知识的读者的恼怒和迷惑,影响法律写作的说服力。但这里所说的保守是一种开明的保守主义,既不无谓地反对语言的既成事实,也不无视语言的发展和变化。

其次,词典涵盖了许多只有受过法律教育(训练)的人在写作中才会碰到的问题,这在普通写作指南中是不会涉及的。当然,它肯定要包括写作的一般性原则,但首要的是指出早已存在却未被记录的法律和非法律用法的分歧,因此,该词典既服务于律师也服务于非律师人员,因为它可以在可能的范围内成为一座桥梁,跨越二者之间的鸿沟。近年来,律师们越来越认识到简洁、直白的语言的重要性,并致力于这方面的努力。的确,简单、明确——优秀的写作必备的两个标准贯穿这部词典,以尽力改变法律术语的艰涩和带有炫耀意味的行话。

再次,在一定程度上,本词典也可以作为进行改革的工具。在律师和法官不准确或者模棱两可地(或者确实是错误地)使用术语时,它可以提供标准,强调而不是抹杀有价值的细微差别。对法律而言,语言的精确是至关重要的,任何含混不清(除非是有意的)都是不能容忍的。考虑这些因素,该词典寻求保留大量法律词汇的区别,致力于重要语法用法和传统习语,避免任何对已有区别的混淆。当然,不可能有法律写作方面的万灵药,因而,该词典力求培养法律写作者对文章的美感,促使他们更多地考虑在上下文中什么是有效的。

这部词典力求让法律写作者在拿不准某个词或某语法点时,能很方便在手头得到详细解答。事实上,所有用于说明法律用法的引文,包括有语言缺陷的文句都来自于司法意见。有一些来自成文法,还有少部分来自律师的法律意见以及其他渠道。所引用的范例的作者都是匿名的,因为谁犯了这些错误并不重要,重要的是这些错误本身并考虑如何纠正。因为遵循先例是必须遵守的原则,所以,判例引用是很必要的。而有关用

法方面的词典则不必如此,除非是收集在词典编纂上值得注意的用法。无论何时,范例总是要说明缘由的,对此,讲明来源,而不是引用事件的背景,因此,在范例之后所引判例的来龙去脉并未交代。

编写这样一部词典是一项很危险的工作,因为让某个人接受使用的裁判,把自己的文章放在读者的放大镜下,读者一定会发现这样或那样的瑕疵。这也是《现代英语用法词典》作者 H. W. Fowler 的命运。他的词典既是我学习的榜样,也是借鉴的教训。因此,对这部词典中的任何失误,我都准备事先承担全部责任。

随着我的手稿不断增加,我的朋友和同事给予的关注超过出于礼仪的问候。其中几位对定稿的质量提出了宝贵的意见。奥斯汀的 Randall K. Glover、西雅图的 Kelly Bowers 在我们与 Thomas M. Reavley 法官一起并肩工作的时候天天提醒我注意有问题的词汇。法官本人虽然没有直接给我建议,但是他对待人生和法律的态度给了我启发和鼓励,使我有勇气坚持下来。

几个律师同行阅读了大部分的原稿并对整个词典作出了专家评论。我博学的朋友们: Betty S. Flowers 博士, David Randunsky, Michelle D. Monse, Roy J. Grogan, Jr., Hal Roberts Ray, Jr., Joe W. Pitts III, Alfredo Estrada, Roger Arnold, Lindsay H. Lew, Kenneth S. Klein, Lisa M. Black, Laura Cale, Sim Israeloff 和 Jeffrey B. Brawner 都让这部著作更精确。我还要感谢已故的 John N. Jackson, 它的评论反映了他在法律写作体例方面几年的思考。

尊敬的 Robert W. Calvert, 前得克萨斯州最高法院首席大法官,拨冗审阅原稿,使本书增色不少;他使我摸准了读者的需要,给予我大量有益的指导。我要感谢 Sandra Day O'Connor 法官就美国最高法院一些法律文书的写作体例的实务与我通信联系。

Edmund S. C. Weiner, 卓有成就的牛津词典编纂家和 Martin S. Stanford, 纽约声名卓著、颇有创见的编辑,详细地阅读了全部手稿并且作了很多改进。我特别对这两位学者表示感谢,同时,我也对我的父亲, Gary T. Garner 博士表示感谢,他花费了很多时间阅读校样。

最后,我无法对我的爱妻充分地表达我的感谢之情,谨以本书献给她,因为她敏锐的洞察力和在面对当初看来似乎是太过于野心勃勃的计划时给予我的坚定不移的支持。

*For Teo
and our children,
Caroline and Alexandra*

PREFACE TO THE SECOND EDITION

Although there is much new material in this second edition, little need be said by way of introduction. I therefore confine this space to a word about citations and a listing of my literary debts.

Readers familiar with the first edition will note that I have added several thousand new illustrative quotations, with full citations. This represents a significant change in approach.

When writing the first edition, I omitted citations for four reasons. First, I was following the model of H.W. Fowler's *Modern English Usage* (1926), which simply quotes sentences from anonymous sources. (His earlier work, *The King's English* (1906), which he cowrote with his brother, F.G., named sources such as *The Times* but gave no detailed citation.) Second, because the quotations merely reflected what I was reading at the time, they came predominantly from judicial opinions issued by Texas courts and the U.S. Court of Appeals for the Fifth Circuit; having just completed a Fifth Circuit clerkship as I finished the manuscript in 1985, I thought it would not be particularly gracious of me, in a work of this kind, to cite a disproportionately high percentage of Fifth Circuit opinions. Third, as I had begun practicing law in Texas, it seemed imprudent to cite the work of judges before whom I might appear. Finally, the lawyers' briefs from which I drew quotations did not lend themselves to citation.

Although I still quote briefs without citing them, other sources are now fully cited. Why? I now think it helpful to show sources—helpful both legally and lexicographically—so I reject Fowler's approach. Further, the citations in this second edition represent a breadth that was unattainable for the first edition, so I am satisfied that the sources from Texas and surrounding states are only slightly overrepresented, if at all. Finally, I am satisfied that the lexicographic value of citations outweighs the risk of offending someone who has written something that might offend against the language.

I have tried to be dispassionate in my approach to citations. This means, for example, that I have unfavorably cited my own work (see **bequest**), the work of my grandfather (see **feoff** (C)), and the work of my mentor, Charles Alan Wright (see **disinterested**). Of course, in Wright's case, there must be 100 other instances in which I quote him favorably.

One more thing about citations. I collected many of them before 1991, when the *Bluebook* began to require first names for authors of books and articles. This caused me no end of needless work, but there were finally a few elusive citations for which neither I nor my research assistants—nor, indeed, my allies in law libraries—could fill in the blanks. In those few instances, I made concessions to the shortness of life and followed the pre-1991 *Bluebook* form.

Readers will find that this edition is much enriched with quotations not only from cases, but also from books and other sources. The shame is that it is not more enriched than it is, for in January 1991 a small lexicographic catastrophe occurred—an event that will no doubt bedevil me for as long as I care about lexicography. That month, I arranged to ship some 40 lawbooks

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from my office at the University of Texas to the American office of the Oxford Dictionary Department. These books had been thoroughly marked up for excerpting thousands of illustrative quotations, and they represented several years of work. Mysteriously these books—which were to be returned to me for use in preparing this edition—disappeared. They have never been accounted for. And the work that went into marking them can probably never be duplicated.

That loss, though, has been greatly outweighed by the tremendous help I have received from dozens of friends and colleagues. My debts are vast. I must merely list them as an insolvent debtor might do, in schedule form. Some of these friends have simply sent me comments and suggestions without my ever having met them face to face. Others I have known for many years, and I merely prevailed upon them to look over several entries within their areas of expertise; luckily for me, no one ever *seemed* prevailed upon—in fact, quite the opposite. They have all helped in splendid ways:

David Anderson	(the late) Thomas Gibbs	Douglas Laycock
Michèle M. Asprey	Gee	Clyde Leland
Hans W. Baade	Lord Goff of Chieveley	Thomas B. Lemann
J.H. Baker	Erwin N. Griswold	Sanford Levinson
Griffin B. Bell	R.J. Grogan, Jr.	David J. Luban
John A. Bell	Alan Gunn	Joseph R. Lundy
Vicki V. Bonnington	(the late) Alan M.F.	Peter G. McCabe
A.W. Bradley	Gunn	Neil MacCormick
Jeffrey B. Brawner	David Gunn	Becky R. McDaniel
John Browning	Robert W. Hamilton	Thomas O. McGarity
Robert W. Burchfield	Trevor C. Hartley	Lord Mackenzie-Stuart
Jenny Burg	John L. Hauer	Joseph McKnight
Beverly Ray Burlingame	Geoffrey C. Hazard, Jr.	Nanneska N. Magee
Peter Butt	Nathan L. Hecht	Karen Magnuson
Thomas Cable	Dewey R. Hicks, Jr.	John Mann
Lauren Chadwick	William B. Hilgers	Thomas Mayo
Neil H. Cogan	Nancy Hoagland	Sir Robert E. Megarry
Charles Dewey Cole, Jr.	Wm. Terrell Hodges	Roy M. Mersky
Kirsten L. Concha	Peter W. Hogg	Ernest Metzger
Edward H. Cooper	Steve Holmes	Richard H. Miller
Daniel R. Coquillette	Tony Honoré	Fred Misko, Jr.
Sir Brian Cubbon	Hadley Huchton	B. Prater Monning
Robert O. Dawson	Lynn N. Hughes	James E. Moore
A. Darby Dickerson	Laird Hunter	Frederick Moss
Lance E. Dickson	Stanley Johanson	Ron Moss
Robert Eagleson	Robert H. Johnston III	R. Eric Nielsen
Frank H. Easterbrook	Michael E. Keasler	John T. Noonan, Jr.
Eric B. Easton	Robert E. Keeton	James A. Parker
David Elliott	William Keffer	David Peebles
Stephen F. Fink	Elizabeth S. Kerr	Kenneth L. Penegar
Betty S. Flowers	Joseph Kimble	Richard W. Pogue
Caroline B. Garner	N. Stephan Kinsella	Rick Prahl
Gary T. Garner	Kenneth S. Klein	George C. Pratt
Teo Garner	Karen Larsen	Jonathan Pratter

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Jack Ratliff	Katherine Smith	Richard S. Walinski
Alan Rau	David Simon Sokolow	David M. Walker
Hal R. Ray, Jr.	Bruce S. Sostek	Patricia H. Webb
Thomas M. Reavley	Joseph F. Spaniol	Russell J. Weintraub
Charles Rembar	Martin Stanford	Carla Wheeler
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Marlyn Robinson	Michael Sturley	William R. Wilson
Kimberly Rogaliner	Pat Sullivan	Sir Harry Woolf
C. Paul Rogers III	Barbara M. Tearle	Charles Alan Wright
David W. Schultz	Linda Thomas	Custis Wright
Fred Shapiro	Randall M. Tietjen	Suzanne F. Young
David J. Sharpe	Michael Tigar	Mark G. Yudof
Christopher Simoni	John R. Trimble	
A.W.B. Simpson	John W. Velz	

If I've omitted anyone, as I must have, my apologies.

Perhaps my vastest debts are to David M. Walker, of Glasgow, and Beverly Ray Burlingame, of Dallas. These fine scholars read the whole of my first draft and gave detailed comments in the margins. I doubt that there is a page in the book that hasn't been improved by their work.

Law librarians have repeatedly come to my aid. I've received the most help from Roy M. Mersky and his staff at the Tarlton Law Library in Austin. David Gunn in particular has generously run down countless sources for me, with uncommon skill and verve. Likewise, the Southern Methodist University Law Library has been extremely helpful. I cannot overstate how important it was to my research when the director, Gail Daly, gave me two card catalogues for storing lexicographic cards. (That may sound quaint in the age of computers, but index cards remain indispensable to lexicographers everywhere.) Finally, Barbara Tearle and R.G. Logan of the Bodleian Law Library, in Oxford, kindly helped me track down some sources that were otherwise inaccessible. As you might guess, I have never met a law librarian I didn't like.

I'm grateful to Dean Paul Rogers of S.M.U. Law School for allocating research-assistant funds that made it possible for me to have all quotations and citations verified. I don't know another dean who would extend this courtesy to a *former* faculty member, but S.M.U. is a special place.

I've benefited enormously from the teaching I've done in continuing legal education, primarily through LawProse, Inc. From my LawProse colleagues—Betty S. Flowers and John R. Trimble, both English professors at the University of Texas at Austin—I have learned a great deal. Many of the new entries show the influence they have had on me: from Betty I have learned more about the writing process, and from John I have learned more about effective editing. John has also contributed useful terminology, such as “miscues,” and is largely responsible for my about-face on the subject of contractions.

I've also learned from the thousands of lawyers who have participated in LawProse workshops on legal writing and legal drafting. Through questions and comments, many of these participants have given me a deeper understanding of specific legal-linguistic issues.

Preface to the Second Edition

The members of the H.W. Fowler Society—a loose organization I founded in order to monitor modern usage—have contributed dozens of examples and ideas for headwords. Most notably, John W. Velz, a great Shakespearean scholar and professor emeritus of English at the University of Texas at Austin, has faithfully sent me hundreds of so-called gleanings. I would not have entries such as the ones on **wile away** and **wreckless** if it weren't for him.

This edition owes much to Claude Conyers and Nancy Hoagland of Oxford University Press. Time and again, Claude approved my requests for extraordinary assistance of one kind or another. And Nancy is the author's dream of what a production editor should be: perfectionist and highly proprietary in her approach to the book, but respectful on those rare occasions when I perversely resisted her improvements.

I am much indebted to my wife, Teo, for all her support while I've labored over this book. During my first week of law school in 1981, I told her of my plan to write it—I even told her the name of it—and she didn't laugh. Indeed, she encouraged me. We also became engaged that week, and she saw me beginning the work on 3-by-5 cards, which in the coming years accumulated in mountainous piles. Between 1981 and 1987, she supportively watched the book materialize, and many entries have benefited—both in the first edition and in this one—from her fine scholarly judgment.

When *DMLU* came out in 1987, our daughter Caroline had just been born some six months earlier. There is a funny photograph of her sitting beside the one-foot-tall pile of manuscript. Now she is eight, and her sister, Alexandra, is three; meanwhile, the manuscript pile has doubled in size. As my girls continue to grow, I'm rather hoping that *DMLU* has reached its full maturity. But I somehow doubt it.