

## WRITING TIP # 13

### Commonly Misused Words

**affect, effect** In legal writing, you usually want “affect” when using the verb and “effect” when using the noun. *Affect* means to influence: This law *affected* police proceedings. *Effect* as a noun means result: This law had a sweeping *effect*.

**among, between** *Among* is used in connection with more than two: His will divided his assets equally *among* all of his five children. *Between* is used with two people or things: The conference was held *between* the defendant’s attorney and the plaintiff’s attorney.

**complement, compliment** *Complement* is something that fills up or completes: The attorney’s charts were an excellent *complement* to her argument. A *compliment* is an expression of praise: The supervising attorney *complimented* her excellent memo.

**council, counsel** *Council* is a group of people who act in an advisory capacity, or meet for discussions or decision making: They submitted their proposal to the mayor’s *council*. To *counsel* is to give advice: He *counseled* her to wait for the bylaw to be passed. As a noun, *counsel* means advice or an attorney: I sought legal *counsel* after the car accident. He is *counsel* for the defense.

**discreet, discrete** *Discreet* means prudent in conduct; cautious; heedful; guarded: He was *discreet* with his money. *Discrete* means separate or distinct from others: In class, the discussion of each element was *discrete* and separate from the discussion of citations.

**farther, further** *Farther* relates to **physical distance** and means more remote; more distant: She moved her chair *farther* away from her desk. *Further* relates to **time** and means at or to a more advanced point in time, including figurative time; to forward, as a work: He was *further* along in line than she expected. That line of reasoning is **further** from the truth than would be acceptable.

**imply, infer** *Imply* means to indicate more than the words plainly say; to hint: This reasoning *implies* that he is confident in his argument. *Infer* means to draw a conclusion, as by reasoning; to deduce; to indicate as a conclusion: The court *inferred* from this phrase that he meant two, not three.

**its, it's** *Its* (no apostrophe) is the possessive case of *it*: *Its* decision was a surprise. *It's* is the contraction of *it is*: *It's* too soon to tell.

**principal, principle** *Principal* means chief, highest, or first in rank, character, authority, or importance: High School *Principal*, *principal* cities. *Principle* means a general truth; uprightness; a method or rule adopted as the basis for action or conduct: A man of *principle*; the *principle* of gravity. A mnemonic to remember: “le” = rule; your “pal” the principal.

<sup>1</sup> These Writing Tips are adapted in part from Laurel Currie Oates and Ann Enquist, The Legal Writing Handbook (5<sup>th</sup> ed. 2010); Diana Hacker, The Bedford Handbook (8<sup>th</sup> ed. 2009); and Gertrude Block, Effective Legal Writing (5<sup>th</sup> ed. 1999).

**tortious, tortuous, torturous** *Tortious* means of a tort: The injury is *tortious*. Note: *tortious* is a legal word and may need to be added to your word processor's dictionary. *Tortuous* means full of twists, turns, or bends: *tortuous* road. *Torturous* means full of, involving, or causing torture: *Torturous* devices, such as the rack, were used during the Spanish Inquisition.

**you're, your** *You're* is the contraction of you are: *You're* going to court on Friday. *Your* is the possessive form of the pronoun you: It is *your* turn.

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