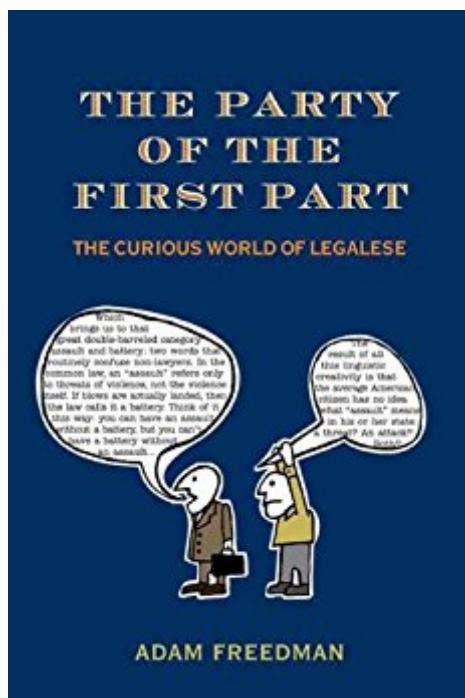


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The Party Of The First Part: The Curious World Of Legalese



Synopsis

The Eats, Shoots & Leaves of legalese, this witty narrative journey through the letter of the law offers something for language lovers and legal eagles alike. This clever, user-friendly discourse exposes the simple laws lurking behind decorative, unnecessary, and confusing legal language. For better or for worse, the instruction manual for today's world is written by lawyers. Everyone needs to understand this manual—but lawyers persist in writing it in language no one can possibly decipher. Why accuse someone of making "material misstatements of fact," when you could just call them a liar? What's the point of a "last" will and testament if, presumably, every will is your last? Did you know that "law" derives from a Norse term meaning "that which is laid down"? So tell your boss to stop laying down the law—it already is. The debate over Plain vs. Precision English rages on in courtrooms, boardrooms, and, yes, even bedrooms. Here, Adam Freedman explores the origins of legalese, interprets archaic phrasing (witnesseth!), explains obscure and oddly named laws, and disputes the notion that lawyers are any smarter than the rest of us when judged solely on their briefs. (A brief, by the way, is never so.)

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Customer Reviews

"The Party of the First Part" is an erudite, hilarious tour through 21st Century American legalese.

Alan Freedman leads us through the ankle-grabbing underbrush of redundancy, dead phrases, faux Latin, and mindless obfuscation into which every reader - and writer - of legal documents eventually must stagger. Freedman is a sure-footed guide who knows the territory. Time and again, he yanks up a hoary word or phrase and shows us its tangled roots. Sometimes we find, clutching a root with a deathgrip, an advocate of the so-called "Precision School" of legal drafting. These lawyers and profs fear that awful chaos would result if lawyers quit using ancient Anglo/French/Latin phrases, in favor of words used by 21st Century Americans in everyday life. Chaos? Well gosh, people might have to *sue* if they can't agree what a word or phrase written in 21st Century English means.

Uh-huh, thinks I: as if they aren't already suing by the thousands over the meaning of Roman-numeraled legal documents bristling with boilerplate clunkers such as "witnesseth," "hereinabove," "aforementioned," "covenant and agree," and "hereunto." This book should be required reading for every law student, law professor, judge and lawyer in the United States. It encourages those among us who want to write clearly when drafting legal documents. I hope it will at least give pause for thought to our colleagues who never met a hundred-word clause in the passive voice, that they didn't like.

This book is a funny and expansive look at the origin of legal terms and obscure laws, ranging. Although a fun read, the book seemed to lack focus. At times, it read as an advocacy piece encouraging the legal community to abandon traditional legalese, supported by what is inexplicably called "The Precision School", in favor of simple and widely accessible plain English, supported the "The Plain English School." At other times, the agenda seemed to be purely entertaining or educational. Perhaps all three. My reaction to this book varied as I was reading it. Parts are laugh-out-loud funny. The author's treatment of sex laws and laws regulating sales of sex toys is as entertaining as any stand-up comedian's monologue. For example, in describing an Alabama court's 2004 decision that "ordinary vibrators" not designed primarily for genital stimulation are not impermissible sex toys, the author notes that this leaves the door wide open for the "sale of vibrators designed primarily for making cappuccino." He notes that North Dakota's sodomy laws specifically prohibit copulation with a bird, and catalogues the various (and often humorous) terms used to describe impermissible sex acts in throughout the US. Alternately, sections of the book are a little tedious, with broad-brush descriptions of term after legal term. The author is quite witty, but occasionally the wit teeters on the edge of sarcasm and sophomoric humor. Throughout the book, he uses little snippets of created dialogue that show the humor of a particular usage in a particular setting. Some are funnier than other. There is much to be learned here. The author tells the stories

of the origins of negligence-based tort liability (an engineer named MacAdam, who developed a system for paving), He draws from ages-old legal cases from the US and UK, and isn't afraid to identify the judge or court responsible..WHAT I LIKED: Overall the book is funny, full of information, seemingly well-researched, and nicely indexed. I read a lot and often don't notice, or am critical of the font and presentation. The presentation is also very visually appealing. The font, page layout, and paper quality are nice.WHAT I DIDN'T: Occasionally tedious, references are not citedOverall, I would recommend this book to collectors of legal trivia or anyone interested in understanding legalese or learning about the origin of legal terms.

A slim volume, packed with interest. The chapter on Wills, Wives and Wrecks is worth the price of admission. Are you sure that your will can pass the Fertile Octogenarian Rule?Adam Freedman has assembled a menagerie of legal expressions, many dating back to Norman French, with very specific meanings forged in thousands of judge's decisions. It's tempting to scorn legalese as a way for lawyers to obscure what they're up to, but the truth is that careful use of legal terms is a vital part of our justice system. This book is well indexed if you just need to consult it in a pinch, but it's so entertaining that you'll want to read every word.The Party of the First Part: The Curious World of Legalese

This book is an easy read. Not only is the book written in a plain style, but also it is formatted well, which makes for a breezy read. Aside from its easiness, almost every word in the book tells. A major accomplishment indeed.

Loved this book because it shows you how to get your point across in a legal form of writing using the least amount of words

Mr. Freedman's "The Party of the First Part" is a much more humorous review of Law School. Freedman covers Torts, Contracts, Criminal Law, Wills, Trusts, Estates and a multitude of other subjects that can even confuse some of the most academically gifted among us. I for one spent Law School in a haze because I felt like I was not getting the big picture. However, when I realized that the 'law' does not have a big picture, I felt much more relaxed. Our Anglo-Saxon, Franco-Norman, Old English influenced law, as Mr. Freedman demonstrates, is a series of compromises and half-measures and it has always been that way. 'Legalese' can be used as both a sword and a shield. For instance, Wills can be written in a way that makes sense to people, without any mention

of the words "rest" "residue" or "remainder." But since these sounds good and lawyerly, it keeps showing up in Wills and Testaments. (Testament also being a redundancy too as Mr. Freedman demonstrates.) Thus, the odds of challenging a plain English Will and winning is much greater then one that packs more and more legalese in. Since legalese protects not only the lawyer and the client, legalese can also be used as a sword. For instance, why hire a lawyer if you could understand the documents that you are reading and signing? I encourage anyone to read this book to get a humorous side to a very dry topic.

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