



# A PRONOUNCING DICTIONARY OF THE SUPREME COURT OF THE UNITED STATES

*Sally Pei, Alice K. Hadley, Daniel Jang, Megan E. Corrarino,  
Brigid M. Davis, Usha B. Chilukuri, Jason A. Zentz,  
Diallo I. Spears & Eugene R. Fidell*

**F**OR A NATION (MOSTLY) OF IMMIGRANTS, overwhelmingly from non-English-speaking countries in the last century, it is remarkable how inept many Americans are at pronouncing foreign words and names. Many thousands of us – including military personnel, government contractors, journalists, and public officials – have been to Iraq, yet how often we hear that country’s name pronounced *Eye-rack*, even on radio and television. Iran (*Eye-ran*) suffers a comparable cringe-inducing fate. The same thing is often seen in legal matters.

In a society as litigious as ours, even without the flow of cases arising from the Guantánamo detentions<sup>1</sup> and other aspects of the

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*Sally Pei, Alice K. Hadley, and Usha B. Chilukuri are members of the Class of 2013 at Yale Law School. Daniel Jang received his J.D. from Yale in 2012. Megan E. Corrarino is a member of the Class of 2013 at Yale Law School and an M.P.A. Candidate in the Woodrow Wilson School at Princeton University. Brigid M. Davis is a member of the Class of 2013 at Yale Law School and an M.A.R. Candidate at Yale Divinity School. Jason A. Zentz is a Ph.D. Candidate (Linguistics) at Yale University. Diallo I. Spears is a member of the Class of 2014 in Pierson College at Yale University. Eugene R. Fidell is a Senior Research Scholar in Law and Florence Rogatz Visiting Lecturer in Law at Yale Law School. Note: The footnotes in this article are set in Times New Roman rather than our usual Perpetua in order to accurately present technical characters.*

<sup>1</sup> E.g., *Boumediene v. Bush*, 553 U.S. 723 (2008).

post-9/11 era, it is no surprise that unusual names and names in languages other than English appear regularly in the law reports. This can often present a challenge for conscientious lawyers, judges, teachers, students, and journalists.<sup>2</sup> One way of dealing with this difficulty is to speak in a loud voice, as Prof. Strunk suggested for those uncertain of the correct pronunciation.<sup>3</sup> Lawyers in particular may be used to doing this, as witness their insistence on mispronouncing words in Latin.<sup>4</sup>

There is no way to prevent entirely the mangling of proper names in case names, but it is time to do something to improve the chances of getting them right. That is the purpose of this Pronouncing Dictionary.<sup>5</sup>

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<sup>2</sup> Names are far from the only class of words that lend themselves to mispronunciation. See generally LAURENCE URDANG, THE NEW YORK TIMES DICTIONARY OF MISUNDERSTOOD, MISUSED, MISPRONOUNCED WORDS (2002).

<sup>3</sup> WILLIAM STRUNK, JR. & E.B. WHITE, ELEMENTS OF STYLE, at xviii (4th ed. 2000) (“If you don’t know how to pronounce a word, say it loud!”). White asked, “Why compound ignorance with inaudibility? Why run and hide?” *Id.*; cf. 2 MATTHEW L. DAVIS, MEMOIRS OF AARON BURR 14 (1837) (“Law is anything which is boldly asserted and plausibly maintained.”). Strunk seems not to have taken pronunciation too seriously, advising one correspondent, “I say eether, rather than eyether. But you can say anything that comes into your head, never forget that.” MARK GARVEY, STYLIZED: A SLIGHTLY OBSESSIVE HISTORY OF STRUNK & WHITE’S THE ELEMENTS OF STYLE 168 (2009).

<sup>4</sup> See ALAN P. HERBERT, UNCOMMON LAW 360 (1935) (R. v. Venables, *The Dead Pronunciation*); GLANVILLE WILLIAMS, LEARNING THE LAW 86 (A.T.H. Smith 13th ed. 2006); see also A Note on Pronunciation of Latin, in HENRY CAMPBELL BLACK, BLACK’S LAW DICTIONARY, at xi (4th ed. 1951). For a more recent pronunciation guide to legal terms in Latin, see RUSS VERSTEED, ESSENTIAL LATIN FOR LAWYERS 163 (1990), reproducing one from NORMA GOLDMAN & JACOB NYENHUIS, LATIN VIA OVID (2d ed. 1982). According to BRYAN A. GARNER, GARNER’S DICTIONARY OF LEGAL USAGE 720 (3d ed. 2011) (¶ C) [hereinafter GARNER’S DICTIONARY], “[o]ne should attempt to cultivate a sensitivity to the way Latin terms are pronounced within the professional community of one’s geographic area, and stay within the mainstream in that community.” For whether to pronounce the “v.” (for *versus*) in case names see William Safire, *On Language: Child’s Garden of Vs.*, N.Y. TIMES MAGAZINE, June 4, 1989 (or should “and” be substituted for “v.”?). British practice on this issue is described in GLANVILLE WILLIAMS, LEARNING THE LAW, *supra*, at 44, and JOHN SNAPE & GARY WATT, THE CAVENDISH GUIDE TO MOOTING 129 (1997).

<sup>5</sup> In the case of *Baas v. Tingey*, 4 U.S. (4 Dall.) 37 (1800) (/ba:s/ (bahs) v. /'tin.dzi/ (tin-jee)), we exceeded our own mandate by correcting two spelling errors. See

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Drawing on a wide network of sources, including textbooks,<sup>6</sup> usage or accounts or recordings by litigants<sup>7</sup> or counsel,<sup>8</sup> pronuncia-

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THE DOCUMENTARY HISTORY OF THE SUPREME COURT OF THE UNITED STATES, 1789-1800, at 407 n.1 (Maeva Marcus ed. 2007) (Bas > Baas; Tingy > Tingey). Commodore Thomas Tingey supervised construction of the Washington Navy Yard, where “Quarters A” is known as Tingey House. We adopted the variant spelling used in the *Documentary History* for *Talbot v. Seaman*, 5 U.S. (1 Cranch) 1 (1801), although a strong case can be made for “Seemann” given that litigant’s first and middle names (Hans Frederick) and the fact that *The Amelia*, of which he was the mate, was homeported in Hamburg. See DOCUMENTARY HISTORY, *supra*, at 441, 443 & n.12. The correct International Phonetic Alphabet (IPA) pronunciations would then be /ˈze.man/ for German and /ˈzei.man/ for Americanized. Bryan A. Garner’s system produces /zay-mahn/. We resisted the temptation to correct the Supreme Court’s erroneous spelling of *M’Culloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819), which should be M’Culloh, MARK R. KILLENBECK, M’CULLOCH V. MARYLAND: SECURING A NATION 90 (2006) (noting variant spellings), nor have we addressed punctuation issues such as the “turned comma” (Unicode character U+02BB, see U+02BB: Modifiers Letter Turned Comma, CHARBASE, [www.charbase.com/02bb-unicode-modifier-letter-turned-comma](http://www.charbase.com/02bb-unicode-modifier-letter-turned-comma)), which has been dealt with definitively in Michael G. Collins, M’Culloch and the Turned Comma, 12 GREEN BAG 2D 265 (2009). As for the pronunciation (/məˈkʌlə/), we are indebted to Francis P. O’Neill, Reference Librarian, and Iris Bierlein, Special Collections Curator, Maryland Historical Society.

<sup>6</sup> E.g., EUGENE VOLOKH, THE FIRST AMENDMENT AND RELATED STATUTES: PROBLEMS, CASES AND POLICY ARGUMENTS 1036 (3d ed. 2008) (*City of Boerne v. Flores*, 521 U.S. 507 (1997), “pronounced like the name ‘Bernie’”); EUGENE VOLOKH, THE FIRST AMENDMENT AND RELATED STATUTES: PROBLEMS, CASES AND POLICY ARGUMENTS 87 (Online Supp. 2011), [www2.law.ucla.edu/volokh/first-amendment/extra.pdf](http://www2.law.ucla.edu/volokh/first-amendment/extra.pdf) (*Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991) (“last name is pronounced like the word ‘genteel’”)).

<sup>7</sup> E.g., Peter Nordberg, *A Definitive Solution to the Pronunciation Riddle*, BLOG 702, Jan. 30, 2006 (“Jason Daubert writes . . . ‘DAW-ber’ is how I pronounce it, if that helps!”). According to Richard Samp, the petitioner in *Grutter v. Bollinger*, 539 U.S. 306 (2003), has said that “although she pronounces her own name Grooter, she generally uses the alternative (short u) pronunciation when referring to the case name, because she believes that that has become the accepted pronunciation within legal circles.” Eugene Volokh, *A Pronouncing Dictionary of the Supreme Court of the United States*, THE VOLOKH CONSPIRACY, Nov. 22, 2011, [www.volokh.com/2011/11/22/a-pronouncing-dictionary-of-the-supreme-court-of-the-united-states/](http://www.volokh.com/2011/11/22/a-pronouncing-dictionary-of-the-supreme-court-of-the-united-states/) (cmt. 125).

<sup>8</sup> E.g., Andy Bowers, *Does Not Rhyme with “Tortilla,”* SLATE, Nov. 22, 2005 (audio from Donna Newman, Esq.); [www.slate.com/articles/news\\_and\\_politics/how\\_to\\_pronounce\\_it/2005/11/does\\_not\\_rhyme\\_with\\_tortilla.html](http://www.slate.com/articles/news_and_politics/how_to_pronounce_it/2005/11/does_not_rhyme_with_tortilla.html); see also Volokh, *supra* note 8 (cmt. 10) (citing the deceased counsel for the litigant for proper pronunciation of *Suowitz v. Hilton Hotels*, 383 U.S. 363 (1966)).

tion guides,<sup>9</sup> and daily journalism,<sup>10</sup> we have undertaken to identify those cases decided by the Supreme Court of the United States that are most susceptible to mispronunciation and to determine the proper pronunciation. To be sure, this is an inexact process, not only because of the sheer passage of time, but also because some litigants may not have pronounced their own names in the way native speakers, or others, might deem correct.<sup>11</sup> Where we have come across that information, we have followed the choice of the litigant. In some cases, pronunciations may even change during the course of litigation. *Rumsfeld v. Padilla*<sup>12</sup> is an example. Two litigants with the same last name may also elect to pronounce it differently.<sup>13</sup>

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<sup>9</sup> CHARLES EARLE FUNK, WHAT'S THE NAME, PLEASE? A GUIDE TO THE CORRECT PRONUNCIATION OF CURRENT PROMINENT NAMES (1938).

<sup>10</sup> E.g., Andy Bowers, *Plessy, Miranda, Roe, and Ayotte?, How to pronounce the key name in today's Supreme Court case*, SLATE, Nov. 30, 2005, [www.slate.com/article/s/news\\_and\\_politics/how\\_to\\_pronounce\\_it/2005/11/plessy\\_miranda\\_roe\\_and\\_ayotte.html](http://www.slate.com/article/s/news_and_politics/how_to_pronounce_it/2005/11/plessy_miranda_roe_and_ayotte.html); Sam Howe Verhovek, *Friendly Little City Split on Big Issue*, N.Y. TIMES, Apr. 20, 1997, [www.nytimes.com/1997/04/20/us/friendly-little-city-split-on-big-issue.html](http://www.nytimes.com/1997/04/20/us/friendly-little-city-split-on-big-issue.html) ("pronounced BER-nee"); see also David W. Dunlap, *Church v. State: Landmark Case*, N.Y. TIMES, Feb. 2, 1997, [www.nytimes.com/1997/02/02/realestate/church-v-state-landmark-case.html](http://www.nytimes.com/1997/02/02/realestate/church-v-state-landmark-case.html) ("BER-nie"). At times, pronunciations suggested in newspapers may be less than clear. E.g., Scott Sayare, *After Guantánamo, Starting Anew, in Quiet Anger*, N.Y. TIMES, May 26, 2012, at A6 ("An aid worker handling orphans in Sarajevo, Mr. Boumediene (pronounced boom-eh-DIEN) found himself swept up in the panic that followed Sept. 11, 2001.").

<sup>11</sup> See *supra* note 8 (noting that the petitioner in *Grutter* pronounces the case name differently from her own name). A further complication arises when a litigant from one foreign country has a surname more typical of another foreign country. E.g., *Swierkiewicz v. Soreman* N.A., 534 U.S. 506 (2002) (Hungarian native, Polish surname).

<sup>12</sup> 542 U.S. 426 (2004). The double-el sound was at times pronounced as in tortilla and at others as in vanilla. Compare Neil A. Lewis, *Court Gives Bush Right to Detain U.S. Combatant*, N.Y. TIMES, Sept. 10, 2005, [www.nytimes.com/2005/09/10/politics/10padilla.html](http://www.nytimes.com/2005/09/10/politics/10padilla.html) ("pa-DILL-uh"), and Neil A. Lewis, *Padilla Lawyers Urge Supreme Court to Block Transfer*, N.Y. TIMES, Dec. 31, 2005, [www.nytimes.com/2005/12/31/national/nationalspecial3/31padilla.html](http://www.nytimes.com/2005/12/31/national/nationalspecial3/31padilla.html) ("puh-DILL-ah"), with Abby Goodnough & Scott Shane, *Padilla is Guilty on All Charges in Terror Trial*, N.Y. TIMES, Aug. 17, 2007, at A1 ("pud-DEE-yuh"); Kee Malesky & Alex Chadwick, *A Change in NPR Pronunciation for Padilla*, NPR, Jan. 5, 2007, [www.wbur.org/npr/6729347/a-change-in-npr-pronunciation-for-padilla](http://www.wbur.org/npr/6729347/a-change-in-npr-pronunciation-for-padilla).

<sup>13</sup> Compare *Rumsfeld v. Padilla*, *supra* note 12, with *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010) ("puh-DEE-uh").

## *A Pronouncing Dictionary of the Supreme Court*

We began by scouring the list of all Supreme Court cases, from 1793 to the present day (and not including denials of certiorari),<sup>14</sup> for party names that we thought were candidates for mispronunciation.<sup>15</sup> Occasionally, a single litigant's name raised more than one issue,<sup>16</sup> or there were questions about both parties' names, as in *Baas v. Tingey*.<sup>17</sup> Having identified approximately 700 candidate names, we reviewed the list for names that, although perhaps unfamiliar to native English speakers, had sufficiently phonetic or regular spellings that an English speaker would be able to determine the correct pronunciation by "sounding it out." There were approximately seventy-five candidates for deletion at this stage. Each person on the then-five-member team voted to include or exclude each name; names receiving three votes to exclude were removed from the list. Fifty names were discarded as a result of this trimming process: we excluded names such as "Kahanamoku," "Laborde," and "Nyquist,"<sup>18</sup> but kept "Dubuque," "Bisceglia," and "Tanneret."<sup>19</sup> Finally, we added a number of difficult party names suggested by commenters on *The Volokh Conspiracy* blog<sup>20</sup> as commonly mispronounced – or subject to

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<sup>14</sup> We included one summary disposition on a direct appeal from a three-judge district court, *Fidell v. Board of Elections of New York*, 409 U.S. 972 (1972), but have not included cases in which a Justice sat on a lower court, such as *DeLovio v. Boit*, 7 F. Cas. 418 (Story, Circuit Justice, C.C.D. Mass. 1815) (No. 3,776).

<sup>15</sup> Because cases are almost invariably referred to by the surnames of individual litigants, we have not addressed difficult names other than surnames. For example, although "Deye" in *Thomas Deye Owings v. Andrew Kincannon*, 32 U.S. (7 Pet.) 399 (1833), might have qualified as a name susceptible to mispronunciation, since the case would be referred to as *Owings v. Kincannon*, we have not included it in the dictionary. Names in languages where the surname often precedes the first name, such as Chinese or Vietnamese, were one exception to this approach. See THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R10.2.1(g) (Columbia Law Review Ass'n et al. eds., 19th ed. 2010). Thus, "Tuan Anh Nguyen," *Tuan Anh Nguyen v. INS*, 533 U.S. 53 (2001), appears on our list.

<sup>16</sup> *D'Oench, Duhme & Co., Inc. v. FDIC*, 315 U.S. 447 (1942).

<sup>17</sup> 4 U.S. (4 Dall.) 37 (1800). See *supra* note 5.

<sup>18</sup> *Duncan v. Kahanamoku*, 327 U.S. 304 (1946); *Laborde v. Ubarri*, 214 U.S. 173 (1909); *Nyquist v. Maucllet*, 432 U.S. 1 (1977).

<sup>19</sup> *Dubuque County v. Des Moines Valley Ry.*, 109 U.S. 329 (1883); *United States v. Bisceglia*, 420 U.S. 141 (1975); *Edwards v. Tanneret*, 79 U.S. 446 (1870).

<sup>20</sup> See Volokh, *supra* note 7.

multiple pronunciations – in the field, but that had not originally made it onto our list (“Chimel,” “Celotex,” “Gentile”<sup>21</sup>).

The results of our efforts, with citations and what we believe is the proper pronunciation using the International Phonetic Alphabet (IPA), are available now on the *Green Bag*’s website and will be soon (and occasionally updated) on the Yale Law Library’s site as well.<sup>22</sup>

With the generous consent of Bryan A. Garner, editor in chief of *Black’s Law Dictionary* (9th ed. 2009)<sup>23</sup> and author of *Garner’s Dictionary of Legal Usage* (3d ed. 2011), we also provide pronunciations using his excellent Pronunciation Guide, for those not adept in the IPA. We used a computer program designed by Jason A. Zentz to translate IPA pronunciations into Mr. Garner’s system. We give two pronunciations where the native speaker pronunciation differs from how we would pronounce a name in American English, marking the native speaker pronunciation as such (with an abbreviation for the language).<sup>24</sup> Where a name is already Anglicized, we give only that pronunciation.<sup>25</sup> A Pronunciation Note setting forth the conventions we followed when applying the IPA appears below.

## PRONUNCIATION NOTE

Which pronunciation should be followed, where several plausible ones are in competition? There is no simple answer.<sup>26</sup>

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<sup>21</sup> *Chimel v. California*, 395 U.S. 752 (1969); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991).

<sup>22</sup> See [www.greenbag.org/documents.law.yale.edu/pronouncing-dictionary](http://www.greenbag.org/documents.law.yale.edu/pronouncing-dictionary).

<sup>23</sup> The Garner Pronunciation Guide is set forth in the inside cover of *Black’s 9th* and some basic rules are set forth under “Pronunciations” in the “Guide to the Dictionary.” BLACK’S LAW DICTIONARY at xxv (9th ed. 2009) [hereinafter BLACK’S 9TH]. Non-IPA systems are also used by the BBC’s Pronunciation Research Unit. BBC, *Commissioning: Pronunciation*, [www.bbc.co.uk/commissioning/tv/resources/pronunciation.shtml](http://www.bbc.co.uk/commissioning/tv/resources/pronunciation.shtml) (last accessed July 26, 2012).

<sup>24</sup> *E.g.*, *Sampeyreac* sam.pei.ɪək (sahm-pay-**rahk**), *Fr* sã.pe'ɾak (Bernardo Sampeyreac and Joseph Stewart v. United States, 32 U.S. (7 Pet.) 222 (1833)).

<sup>25</sup> *E.g.*, *Padilla* pə'di.lə (pə-**di**-lə) (*Rumsfeld v. Padilla*, *supra* note 12).

<sup>26</sup> There is also not much law on the pronunciation of names, most of it appearing in connection with the rule of *idem sonans*, according to which a variant spelling does not void a document if the misspelling is pronounced the same way as the true spelling. BLACK’S 9TH, *supra* note 23, at 813. “Where there is no generally received

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“Greater latitude is allowed in the pronunciation of proper names than in any other description of words.”<sup>27</sup> “In the spelling and pronunciation of proper names there are no generally accepted standards.”<sup>28</sup> “The spelling and pronunciation of a person’s name may vary in different localities, and with different individuals, especially of foreigners, whose native names are not readily adjusted to the English language.”<sup>29</sup>

Mr. Garner does not address case names as such, but offers the following as a general principle of pronunciation: “The best course is to follow the pronunciation current among educated speakers in one’s region.”<sup>30</sup> For “words that are seldom pronounced by English-speaking people” diversity reigns,<sup>31</sup> and he embraces the advice of Prof. Krapp: “Where there is a diversity of opinion and practice among reasonable [and educated] people, there must be also an equally broad charity in judgment.”<sup>32</sup> Nonetheless, we have settled

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English pronunciation of particular names as one and the same, and the difference in sound is not so slight as to be virtually imperceptible, the doctrine of *idem sonans* may not be applied without the aid of extrinsic evidence.” 57 AM. JUR. 2D *Name* § 63 & n.5 (citing *Buxton v. State*, 40 Ala. App. 667, 122 So. 2d 151 (1960)).

<sup>27</sup> *Page v. State*, 61 Ala. 16 (1878).

<sup>28</sup> *Grannis v. Ordean*, 234 U.S. 385, 395 (1914) (noting the pronunciation of slightly different spellings of what was “evidently a German name”).

<sup>29</sup> *State v. Blakeley*, 83 Minn. 432, 435, 86 N.W. 419, 420 (1901).

<sup>30</sup> GARNER’S DICTIONARY, *supra* note 4, at 719 (¶ A). Unfortunately, there may be no consensus. See, e.g., Marc Lacey, *How You Say It Isn’t Clear, Even if You’re From Here*, N.Y. TIMES, Oct. 13, 2011 (Casa Grande, Ariz.); Dan Bilefsky, *In Jam on Van Wyck? Try to Say it Right*, N.Y. TIMES, May 25, 2011, at A28 (discussing Van Wyck Expressway, Queens, N.Y.; also noting Houston and Vesey Sts., Kosciusko Bridge); see also Andy Newman, *What’s a Cortelyou? And Will the Van Wyck Get Me There?*, N.Y. TIMES BLOG, May 25, 2011, cityroom.blogs.nytimes.com/2011/05/25/whats-a-cortelyou-and-will-the-van-wyck-get-me-there/?scp=2&sq=van%20wyck&st=cse (with 144 comments); Kim Nowacki, *Pronouncing the Unpronounceable*, N.Y. Times Blog, July 1, 2011, cityroom.blogs.nytimes.com/2011/07/01/pronouncing-the-unpronounceable/ (with native-speaker audio links for Kosciusko Bridge, Spuyten Duyvel, and Goethals Bridge).

<sup>31</sup> “[H]uman pronunciation manners of foreign names cannot be expected to be uniform.” Judith Rosenhouse, *Native Speakers’ Pronunciation of Foreign Names: The Case of Names of French Origin in (American) English*, 46 BABEL 245, 255 (2000).

<sup>32</sup> GARNER’S DICTIONARY, *supra* note 4, at 719-20 (¶ A) (quoting GEORGE P. KRAPP, *THE PRONUNCIATION OF STANDARD ENGLISH IN AMERICA*, at iv (1919)).

on a handful of rules in the interest of consistency. First, if we can determine how an individual litigant actually pronounces or pronounced his or her name, that governs,<sup>33</sup> despite the antiquity of the case.<sup>34</sup> Pronunciations adopted by corporations and local governments also govern.<sup>35</sup> Where litigants or close kin or counsel are alive (or happen to have written or spoken about the matter),<sup>36</sup> or where a case is recent enough that there exists an audio recording of the oral argument before the Court, the task is easy.<sup>37</sup>

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<sup>33</sup> Occasionally, a private litigant or public official may appear *pro se*. This is a helpful source of authoritative information if the name is unusual, e.g., *Ayotte v. Planned Parenthood of Northern New England*, 546 U.S. 320 (2006) (state attorney general); *Ibanez v. Florida Dep't of Bus. & Prof'l Reg.*, 512 U.S. 136 (1994), but less so where the correct pronunciation is obvious. E.g., *Snyder v. Phelps*, 131 S. Ct. 1207 (2011); *Elk Grove Unified School Dist. v. Newdow*, 541 U.S. 1 (2004); *Dalton v. Specter*, 511 U.S. 462 (1994) (United States Senator); *Planned Parenthood Ass'n of Kansas City, Missouri, Inc. v. Ashcroft*, 462 U.S. 476 (1983) (state attorney general). Other cases that were argued *pro se* are cited in EUGENE GRESSMAN, KENNETH S. GELLER, STEPHEN M. SHAPIRO, TIMOTHY S. BISHOP & EDWARD A. HARTNETT, *SUPREME COURT PRACTICE* 754 (9th ed. 2007).

<sup>34</sup> In this we reluctantly part company with Prof. Volokh, whose view is that “even the party’s own pronunciation of his own name may not be relevant in some cases, especially if the case is old enough. Thus, for instance, even if I learned that Schenck of *Schenck v. United States*[, 249 U.S. 47] (1919) pronounced his name ‘Skenk,’ I’d still pronounce the case ‘Shenk,’ since that seems to be the standard pronunciation among lawyers who know the case.” Volokh, *supra* note 7.

<sup>35</sup> Some useful resources for the pronunciation of local government names are available online. See, e.g., MISSPRONOUNCER, [www.misspronouncer.com](http://www.misspronouncer.com) (compiling pronunciation information specific to Wisconsin).

<sup>36</sup> E.g., Michael H. Gottesman, *Admissibility of Expert Testimony After Daubert: The “Prestige” Factor*, 43 EMORY L.J. 867, 867-68 (1994) (discussing *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)), reproduced in part in *Pronouncing Daubert*, 7 GREEN BAG 2D 204 (2004). The Wikipedia entry on *Daubert* devotes a separate section to the pronunciation issue. According to an anonymous contributor, “[t]he popular use of the French pronunciation may have arisen from Gottesman refraining from correcting the justices during oral argument.” *Daubert v. Merrell Dow Pharmaceuticals, Pronunciation of Daubert*, Wikipedia, [en.wikipedia.org/wiki/Daubert\\_v.\\_Merrell\\_Dow\\_Pharmaceuticals#Pronunciation\\_of\\_Daubert](http://en.wikipedia.org/wiki/Daubert_v._Merrell_Dow_Pharmaceuticals#Pronunciation_of_Daubert).

<sup>37</sup> For some years the Clerk of the Supreme Court has required counsel to complete an “Argument Form” that requests the “[p]honetic [p]ronunciation of party(ies)” for whom counsel will argue (as well as the phonetic pronunciation of counsel’s own name). Unfortunately, these forms are destroyed after argument. At times, a Justice will ask if he or she is using the proper pronunciation. E.g., Leegin Creative Leather

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Failing that kind of information, we have indicated what we understand to be general American pronunciation. We used two methods in this connection. First, for names with discernible etymologies, we consulted native speakers of the pertinent foreign languages and Anglicized the pronunciation during the process of transcribing the names into the Garner system.<sup>38</sup> Second, where we were unable to determine the language of the party's name, we contacted five individuals in the United States with that surname. Where four or more of the surveyed individuals used the same pronunciation, that pronunciation was controlling. If there was no supermajority, we have indicated multiple possible pronunciations. We put one case in this category of names of unknown or unidentifiable origin, until we realized that what we thought was a personal name was actually a heterograph of an English phrase.<sup>39</sup> We have not ignored the possibility of highly irregular pronunciations of English names.<sup>40</sup>

Our list is inevitably incomplete.<sup>41</sup> Some names have stumped

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Prods., Inc. v. PSKS, Inc., 551 U.S. 877 (2007), [www.oyez.org/cases/2000-2009/2006/2006\\_06\\_480](http://www.oyez.org/cases/2000-2009/2006/2006_06_480) (2007) (audio of oral argument) (Ginsburg, J.), *noted in* Volokh, *supra* note 7 (cmt. 107); Elk Grove Unified School Dist., 541 U.S. 1, [www.oyez.org/cases/2000-2009/2003/2003\\_02\\_1624](http://www.oyez.org/cases/2000-2009/2003/2003_02_1624) (audio of oral argument) (Rehnquist, C.J.). Even with the Argument Form, different Justices may pronounce the same name differently at oral argument, as Prof. Orin Kerr has noted with respect to *Mis-souri v. Seibert*, 542 U.S. 600 (2004). *See* Volokh, *supra* note 7 (cmt. 96).

<sup>38</sup> As explained *supra* notes 24-25 and accompanying text, we provide both pronunciations.

<sup>39</sup> *Straus v. Notaseme Hosiery Co.*, 240 U.S. 179 (1916) (not a seam).

<sup>40</sup> For a useful list, see H.W. FOWLER, A DICTIONARY OF MODERN ENGLISH USAGE 486 (Ernest Gowers 2d rev. ed. 1965) (§ 10). Additional guidance and sources on this “huge problem” may be found in H.W. FOWLER, THE NEW FOWLER’S MODERN ENGLISH USAGE 631 (R.W. Burchfield ed. 1996) (§ 7).

<sup>41</sup> We have not addressed the pronunciation of names of the Justices. Helpful advice is given in GARNER’S DICTIONARY, *supra* note 4, at 720 (§ F) (Taney, C.J., and Scalia, Cardozo, and Sotomayor, JJ.); *see also* SAMUEL TYLER, MEMOIR OF ROGER BROOKE TANEY, LL.D. ix n.\* (1872) (“Taney is pronounced *Tawny*”), but could have been extended to include, for example, Van Devanter, J. By popular demand, however, *see* Volokh, *supra* note 7 (cmt. 47), we note that Sir Edward Coke’s surname rhymes with “book” and is *not* pronounced like the soft drink from Atlanta. *See* A.W.B. SIMPSON, BIOGRAPHICAL DICTIONARY OF THE COMMON LAW 117 (1984). For audio files with the proper pronunciation of the names of many leading law firms see *Law Firm Pronunciation Guide*, GEORGETOWN UNIVERSITY LAW CENTER, [141.161.16.100/career/pronunciations/](http://141.161.16.100/career/pronunciations/).

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us, and as every new volume of *United States Reports* rolls off the presses, new candidates will emerge. Nonetheless, we offer this Pronouncing Dictionary for the benefit of all concerned, asking only that corrections and additions be brought to our attention, in care of the *Green Bag*, so that a new edition or a supplement can be prepared when the time comes.

