

ALMANAC ADDENDA

We pushed a little bit too hard in our relentless drive to move the *Almanac & Reader* train out of the station quickly this year (recall that last year we failed miserably). How do we know? We left some first-class passengers on the platform. We're making up for that here in Ex Ante (see Bryan Garner's *The 15 Biggest Usage Gaffes in 2017 Law Journals*, starting on this page, and the exemplary legal writing by Cher and Orrin Hatch on page 103), and in the Articles section (see Wendy Everette et al.'s *The Year in Law and Technology*, starting on page 109).

THE 15 BIGGEST USAGE GAFFES IN
2017 LAW JOURNALS

Bryan A. Garner

1. "He *could care less* [read *could not care less*] about testing America's constitutional resilience." Thane Rosenbaum, *The Internet as Marketplace of Madness – and a Terrorist's Best Friend*, 86 Fordham L. Rev. 591, 596 (2017).
2. "[T]he Court went on to strike down laws forbidding aliens . . . to serve as *notary publics* [read *notaries public*]." Aaron Tang, *Reverse Political Process Theory*, 70 Vand. L. Rev. 1427, 1440 (2017).
3. "[B]ut of course 'voluntary accompaniment' meant that the man should have been free to leave at any time *anyways* [read *anyway*]." Colin P.A. Jones, *From Great Writ to Tuning Fork*, 12 U. Penn. Asian L. Rev. 407, 416 n.35 (2017).
4. "Do civil rights laws impact the *deep seeded* [read *deep-seated*] white racism that exists in the fabric of society?" Robert Bracamontes Black Crow, *50 Years of Loving*, 50 Creighton L. Rev. 669, 670 (2017) (with extra credit for not only bungling *deep-seated* but also failing to hyphenate both it and the sentence's other phrasal adjective, *civil-rights*—and for using *impact* as a verb).
5. "The State of Florida ultimately spent \$33,000 in sequestration costs and, *all tolled* [read *all told*], the trial cost the Seminole County *Sherriff's*

Ex Ante

- [read *Sheriff's*] Office \$320,000.” Benjamin Braffman & Darren Stakey, “*Facts Are Stubborn Things*”: *Protecting Due Process from Virulent Publicity*, 33 *Touro L. Rev.* 441, 466 (2017) (with extra credit for the orthographical issue related to sheriffalty).
6. “Similarly, publication notice is appropriate where the class *is comprised of* [read *comprises* or *is composed of*] members less likely to use modern communication technologies.” Alexander W. Aiken, *Class Action Notice in the Digital Age*, 165 *U. Pa. L. Rev.* 967, 983–84 (2017) (with extra credit for repeating the error five more times in the article).
 7. “[T]he Court noted that had the defendant used any different combination of elements to recreate *the same exact* [read *exactly the same* or *the same*] game, they could have avoided infringement.” Benjamin C.R. Lockyer, *Trying on Trade Dress*, 17 *J. Marshall Rev. Intell. Prop. L.* 109, 133 n.202 (2017) (with ample extra credit for referring to the defendant, a software company, as *they* instead of *it*, for using *recreate* [= to amuse oneself] instead of *re-create* [= to create anew], and for the illogic of implying that different elements could create an identical product).
 8. “As a former Division I athlete, the author of this article can attest that athletes will not resent a teammate who makes more money than *them* [read *they*] particularly because, under the Duke Model, compensation is based entirely on performance.” David Grenardo, *The Duke Model*, 83 *Brook. L. Rev.* 157, 190 (2017) (with extra credit for the author’s awkwardly referring to himself in the third person, writing *the author of this article* instead of *I*, and failing to use a comma or dash before *particularly*).
 9. “The Multiple-Use Conflict Resolution Act . . . would allow the federal government to compensate grazing permittees and *leasees* [read *lessees*] \$175 per AUM.” Mara C. Hurwitt, *Freedom Versus Forage*, 53 *Idaho L. Rev.* 425, 459 (2017).
 10. “ALJs do not have *free reign* [read *free rein*] to reconsider legal issues.” Alexander I. Platt, *Unstacking the Deck*, 34 *Yale J. on Reg.* 439, 487 (2017).
 11. “If death sentences are meted out on the basis of arbitrary or invidious characteristics of the offender (like race or ethnicity), then by defini-

- tion, the death penalty is not being imposed according to offenders' *just desserts* [read *just deserts*]." Carol S. Steiker & Jordan M. Steiker, *Abolishing the American Death Penalty*, 51 Val. U. L. Rev. 579, 601 (2017).
12. "[H]e had informed ConAgra that his religion *forbid* [read *forbade*] him from handling pork." Kevin Farrell, *New Religious Movements and the Need for Greater Clarity of "Religion" Under Title VII*, 18 Rutgers J. L. & Religion 193, 218 (2017).
 13. "He attempted to introduce evidence that the victim was *cohabitating* [read *cohabiting*] with her boyfriend." Suzan M. Pritchett, *Shielding the Deportable Outsider*, 40 Harv. J. L. & Gender 365, 399 (2017).
 14. "Neither of them *are protocol standards* [read *is a protocol standard*], and, even if they were, they would not be binding." Milton L. Mueller & Farzaneh Badiei, *Governing Internet Territory*, 18 Colum. Sci. & Tech. L. Rev. 435, 470 (2017).
 15. "Santiago . . . was *beat* [read *beaten*] up by the border patrol." Elvia R. Arriola & Virginia M. Raymond, *Migrants Resist Systemic Discrimination and Dehumanization in Private, For-Profit Detention Centers*, 15 Santa Clara J. Int'l L. 1, 36 (2017).

THE FONT OF LITHUANIAN LIBERTY

FOLK is a design firm based in Vilnius, Lithuania (folk.me/). Eimantas Paskonis, an artist specializing in type and graphics, is based in the same city (cargocollective.com/eimantas). Sponsored by the Lithuanian government, they created what is, to the best of our knowledge, the most truly free font ever: Signato. "Signato is," its creators explain,

a font constructed on the basis of the manuscript of the Act of Independence of Lithuania. It is a gift to all independent people celebrating the hundredth anniversary of the restoration of the State.

See signato.lt/en/. The Act of Independence (see next page) was adopted in February 1918, and then endured (sometimes in hibernation) tough times in the 20th century. So, it is pretty neat to be able to participate in celebrating its survival, which we do here by reprinting the old original (see page 96) and a modern translation in English, in Signato (see page 97).