Ex Ante

Our Mistakes

After what seems to have been a flawless streak (if we may interpret the silence of our attentive readers the same way Sherlock Holmes interpreted the silence of another kind of creature), we are back to our usual error-prone ways. First, there is this nice catch by Hunter Rodgers of the Paulding Circuit Public Defender's Office in Dallas, Georgia:

> In Allison Christians's helpful piece, *Really Basic Rules for Good Writing*, there's a typo in one of the footnotes. In referencing a later section of the essay discussing metaphors, it cites to Part II.b.(i), when it should have been Part III.b.(i). *See Allison Christians, Really Basic Rules for Good Writing*, 23 Green Bag 2d 181, 185 n.4 (2020). I'm only mildly ashamed to admit that my inner law student squealed with glee that this typo immediately preceded Prof. Christians's section on editing. With any luck, though, I'll soon be rid of that impulse.

Rodgers is correct, and we are grateful.

Then there is an item that we regret, though it might not be, strictly speaking, an error. On page 173 of our Spring 2020 issue, we refer to "useable images." We received a friendly message about this reference from Bryan Garner, who knows more about language, grammar, and usage than we do. He corrected "useable" to "usable," which sure is used a lot more than "useable." And since we prefer to be conventional – opting for an unconventionality only when it will (we hope) help us make a point – we are inclined to agree with Garner. Which is not to say that our use of "useable" is a misspelling. American Heritage, for example, lists "useable" as a variant

of "usable," but does not accord that honor to other possible – but not recognized – "usea-" non-words such as "useage." Supreme Court Justice Stephen Breyer, for another example, has been known to use "useable,"[1] though we must acknowledge that the Court's Reporter of Decisions, not Breyer himself, may have been responsible. Why might we admit that possibility? Well, we know of at least once case – *R.A.V. v. St. Paul*[2] – in which a member of the Court (Justice Antonin Scalia) opted for "usable" in an opinion for the Court . . .[3]

> seemingly be usable *ad libitum* in the placards of those

. . . while the Reporter opted for "useable" in a headnote for the case . . .[4]

> ingly be useable *ad libitum* by those

. . . which might make you wonder who's calling the shots on questions of spelling at the Court. Or perhaps it's just ten free-spirited spellers in a bottle – nine judges and a reporter – living and letting live.

In any event, while even the aligned judgments of Garner and Scalia on the usability of "useable" do not make our use of the word an indictable literary offense, we agree with them about the result: We should've used "usable."

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[1] *See, e.g.*, *Sireci v. Florida*, 580 U.S. _, slip op. at 2 (Dec 12, 2016) (Breyer, J., dissenting from denial of certiorari) ("Medical team members tried for over two hours to find a useable vein . . . .").

[2] 505 U.S. 377 (1992).

[3] *Id*. at 391.

[4] *Id*. at 378.