

Nuts to *Further Affiant Sayeth Naught*



References

Barbara Child, *Drafting Legal Documents: Principles and Practices* 79 (2d ed. 1992): “There is no need [in an affidavit] to add the gratuitous traditional tagline of legalese: *Further affiant sayeth naught*.”

Bryan A. Garner, *A Dictionary of Modern Legal Usage* 378 (2d ed. 1995): “American lawyers frequently end affidavits with some variation of this sentence: ‘Further affiant sayeth not.’ This sentence gives rise to three stylistic dilemmas: first, is it *sayeth* or *saith*; second, is it *not* or *naught*; and third, is the sentence necessary at all? . . . Among American lawyers who use the phrase, *sayeth* predominates; among American lawyers who rightly pride themselves on their style, the phrase does not appear at all . . . The predominant form [between *not* and *naught*] is *Further affiant sayeth not*. But this is nonsense, because it is literally translatable as, ‘The affiant says not further’ . . . The form with *naught*, by contrast, makes literal sense . . . [But t]he best choice, stylistically speaking, is to use these phrases not.”

Thomas R. Haggard, *Legal Drafting: Process, Techniques, and Exercises* 320 (2003): “Another form of legalese consists of antique phrases like . . . *Further affiant* [or *deponent*] *sayeth not*.”

David Mellinkoff, *Legal Writing: Sense and Nonsense* 134 (1982): “*Further affiant sayeth* [or *saith*] *not*—often the last line of an affidavit. Adds nothing to sense. Delete and stop.”

Wayne Schiess, *What Plain English Really Is*, 9 *Scribes J. Legal Writing* 43, 71 (2003–2004) (forthcoming): “This is the profession in which no lawyer would speak to a jury in complex and jargon-filled legalese, but if asked to write an affidavit for someone on that jury, the same lawyer wouldn’t hesitate to use the phrase *Further affiant sayeth naught*.” ♦

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