

Popular Threads on Solosez

Grammar Police (Both Chief Lisa Solomon and Deputies)

A party may be entitled to which of the following:

- 1) Attorneys fees
- 2) Attorney fees
- 2) Attorney's fees
- 3) Attorneys' fees

I've seen it all three ways in briefs, statutes, and court opinions, and I think I've probably used all of them at one time or another. It drives me crazy every single time.

Tell me which one I should use.

When I clerked for a federal magistrate, the district's chief judge had a style guide that she wrote for all the clerks and judges. In it, she said that, although it can be a style choice, her was that it always be "attorneys' fees." Personally, I use the plural possessive form, unless I know that there will be only one attorney collecting the fees, such as when I (a solo) am the one claiming them.

Ken S, Florida

I say "attorney fees" because I believe it refers to a class of claims in the same way as "punitive damages" is a classification. If so, the basis of the claims within the class, the number of claims, the specific claimants, are not relevant and the use of plurals or possessives would be irrelevant--possibly confusing.

I do not have authority for that and think it is of very minor importance.

John Page, Florida

I use #3; I would probably use #4 if my firm were more than one person...

Phillip J. Laurin

That's a thorny problem for 1AM on a Monday. For one attorney, I like attorney's fees; for more than one, attorneys' fees. Moreover, I've always thought that correct use of the plural possessive is a good way to indicate to a careful reader that one is a careful writer.

John Leonard, Connecticut

2 or 3, depending upon the number of attorneys at issue.

Melanie K. Morgan, Texas

I was trained to use 4.

Meyer Silber, New York

I should be attorney's fees if there is one attorney involved or attorneys' fees if multiple attorneys are involved. The goal is to show ownership of the fee.

You just forced the teacher out of vacation mode.

Sandra Stephenson Peterkin, Connecticut

"*Mucho Dinero para el Abogado*" ("Tons of money for the attorney). Joking.
Not?

Ignacio Pinto-Leon, Texas

Ah, but is it "el Abogado" or "los Abogados"....

Languages without a possessive form like 's have it much easier...

Mitchell J. Matorin, Massachusetts

Ok, since the Chief has failed miserably by not responding yet, I think that John's approach makes the most sense. "Attorney fees" it is. Thanks to all others for playing! There will be some lovely parting gifts - specifically, bags of now-unnecessary apostrophes. I can send them by email if you prefer.

But Good Lord, John: <snip> it is of very minor importance <snip>?? It is the things that seem the least important that are the most important and merit the most amount of time trying to analyze and resolve them! Not to mention the fact that your approach saves space and that could be the difference between making or exceeding a page limit...

Mitchell J. Matorin, Massachusetts

Glad to see that my deputies have stepped up to the plate in my absence. (That's what deputies are for, right?) Sometimes pesky things like *paying clients* and *deadlines* interfere with my ability to monitor Solosez on as minute-to-minute basis 😊

As for the answer to the question, here are the relevant entries from Black's Law Dictionary:

Black's Law Dictionary (8th ed. 2004), attorney fees

ATTORNEY FEES See attorney's fees.

ATTORNEY'S FEES The charge to a client for services performed for the client, such as an hourly fee, a flat fee, or a contingent fee. — Also spelled attorneys' fees. — Also termed attorney fees. Cf. retainer (2).

Lisa Solomon, New York

Dammit, that's no answer at all! I can't believe that Black's is so wishy-washy about it, let alone you! Come on, pick one! Take a stand! 🤔

Mitchell J. Matorin, Massachusetts

Even Garner isn't sure. He prefers the possessive but says that "attorney fees" is becoming more common and also says cf. expert-witness fees. But he also says see Attorney's Fee Act. But "attorneys fees," without the apostrophe, is plainly wrong.

Mark Stansbury

Too many choices. In the words of the bandit chief in *The Magnificent Seven*, "With me, only one decision."

Forty years ago, I had an off-duty job teaching Air Force pilots in USAFI courses conducted by the Univ. of Cal. The unlikely combination of subjects I taught were English Composition and Theory of Automotive Engines.

The English text U/C provided said in effect that correct English was the language spoken by educated persons. With that empowerment, I have mostly eschewed recourse to grammar texts.

As a bonus, I offer my short course on engine theory (in words of a very old song), "You push the big valve down and the music goes around--woo o ho ho-and it comes out here." My theory of computers is pretty much the same.

Extra points awarded for anyone who can ID the song. The name escapes me, but its sure to swim to the surface in the next day or so.

EVERYBODY BACK TO WORK.

John Page, Florida

Ella!

The Music Goes 'Round And Around

http://www.last.fm/music/Ella+Fitzgerald/_/The+Music+Goes+%27Round+And+Around

Brian Elliott

Name of song: "The Music Goes Round and Round."

Betty Boop will perform it for you:

<http://www.youtube.com/watch?v=hminkVMTgCc&feature=related>

Roger Bartlett, Texas

Ella turned out to be bonus to me. Betty not so much.

Appropriate prizes will be forwarded.

John Page, Florida

They're all wrong. The correct usage is: Attorney's' Fee's

Russell D. Gray

I beg to differ with you. Attorney's' and Fee's at the same time could never be correct. The apostrophe shows ownership therefore it cannot be on both words. It would have to be attorney fee's (which is incorrect) or attorneys fees' (still wrong). The fee(s) belong to the attorney (singular) or attorneys (plural). Keep in mind you are trying to say-- the fee or fees that belong to the attorney or attorneys. In conclusion, Blacks is correct. It must be either attorney's' fees or attorneys' fees.

Sandra Stephenson Peterkin, Connecticut

First: Surely Russ is just joking with the "Attorney's' Fee's", so I am not going to bother correcting his hyper-apostrophy-ism.

Second: More importantly, did no one else besides me catch Mitch's screwy numbering of the choices:

Neil M.B. Rowe, South Carolina

BAH. If I could count, I wouldn't have gone to law school.

Mitchell J. Matorin, Massachusetts

You are correct. I was joking.

Russell D. Gray