

# SC LAWYER

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# THE SCRIVENER

## Accent on Writing: Diacritics

By Scott Moïse

My mother was a French teacher, and after I made a “C” in my French class in the seventh grade, thus thoroughly embarrassing the family (well, only Momma was embarrassed, but she was embarrassed enough for the whole family), she took over my foreign language education, which included weekly home tests on spelling, vocabulary, and verb conjugations. Also, my last name—Moïse—has an accent mark. So between spending hours every week on all things French and continually answering questions from friends about the meaning of the two little dots over the “i” in my name, diacritics took on an unusually large meaning in my life.

Accent marks, or the lack of them, have also been the subject of legal arguments. For example, defendants have challenged the lack or inclusion of accent marks in names and words when arguing that they were not accorded due process, were not properly warned, were not properly served with process, or that they did not violate a competitor’s trademark. *See, e.g., MasterCard Int’l Inc. v. Trehan*, 629 F. Supp. 2d 824, 829 (N.D. Ill. 2009) (considering accent marks when determining whether an infringing domain name was the same in sound and meaning as that of its competitor); *N.L.R.B. v. Metro-Truck Body, Inc.*, 613 F.2d 746 (9th Cir. 1979) (finding that the NLRB properly counted the word “SI” as a vote in favor of union representation, and rejecting the company’s argument that—because the Spanish word for “yes” is written “si” with an accent mark over the “i” and the Spanish word for “if” is written “si” with a dot over the “i”—the accentless markings on the two ballots were ambiguous and the ballots thus

void); *Ortiz v. Avante Villa at Corpus Christi, Inc.*, 926 S.W.2d 608, 612–13 (Tex. App. 1996) (finding that service of process was adequate despite omission of accent mark and substitution of the symbol “@” for the word “at” and refusing to overturn a default judgment); *Commonwealth v. Perez*, 411 Mass. 249, 255, 581 N.E.2d 1010, 1014–15 (Mass. 1991) (finding that “slight ambiguities in a few of the Spanish words on the [Miranda] cards, the use of one colloquial Spanish term, and the lack of accent marks” did not interfere with meaning of warnings).

Also, getting proper names correct is important in any profession, so take time to get to know accent marks, as they appear in many names throughout our state and beyond. Some names are harder than others. For instance, Family Court Judge Michèle Patrão Forsythe’s name is somewhat intimidating because it has two diacritical marks, both of which are difficult unless you have taken a lot of foreign language classes. For anyone who has struggled with getting Judge Forsythe’s name spelled and pronounced correctly, here is a public service announcement: Her first name was given to her in honor of a French nun, Michèle, who saved her father’s life. Michèle (pronounced like the title of the Beatles song “Michelle”) is the feminine form of the French male name Michel. Judge Forsythe’s maiden name, Patrão, is pronounced “Pah-trown,” and in both Portuguese and Spanish means “boss or patron,” which is certainly an appropriate name for judges.

Judge Forsythe is not alone. Diacritical marks in lawyers’ names abound in this state. Judge Maité Murphy and lawyers Ken Colón, Ralitsa François, Renée Gaters,

René Josey, and André Rembert are a few of your colleagues with diacritical marks in their names.

### What are diacritics?

Diacritics (also called accent marks) are marks placed above or below, or sometimes next to, letters to show meaning or pronunciation. *See What Is a Diacritic, Anyway?*, Merriam-Webster website (Mar. 7, 2022), [www.merriam-webster.com/words-at-play/how-to-use-and-understand-diacritics-diacritical-marks/what-is-a-diacritic-anyway](http://www.merriam-webster.com/words-at-play/how-to-use-and-understand-diacritics-diacritical-marks/what-is-a-diacritic-anyway) (cited hereinafter as “Merriam-Webster website”).

For example, take a word like “resume.” Without diacritical marks, the word means “to start again.” When accent marks are added, becoming *résumé* or *resumé*, the meaning is changed to mean “a document summarizing a person’s background and qualifications.” For pronunciation, diacritics like *Zoë* and *café* affect the pronunciation of the words.

Typically, diacritics in the English language are found in words and phrases that have been borrowed from foreign languages, retaining the accent marks from the original foreign words. Sometimes, the foreign words have become anglicized, and the accent marks are dropped entirely—such as *naïve* instead of *naïve* and *façade* instead of *façade*.

The most common diacritical marks in the English language are acute (´); grave (`); circumflex (^); tilde (~); diaeresis (¨); umlaut (¨); and cedilla (¸).

### Acute (´)

In the English language, acute accent marks in words of French origin are paired with the letter “e”

(such as in *détente*, *fiancée*, *sauté*, and *Beyoncé*). They indicate that the “e” is pronounced “ay” as in “pay.” For words of Spanish origin, the acute accent is placed over vowels to show that the syllable in which the vowel appears is stressed (such as *adiós* and the exclamation *olé*). See Merriam-Webster website. In Spanish and Portuguese, the acute accent indicates stress, such as in *Plácido* (pronounced “PLAH see doe”) *Domingo*, showing that the stress is on the first syllable.

The acute accent is the most used accent in the English language. In the South Carolina legal community, acute accents abound, such as Circuit Court *Maité* (pronounced “My-tay”) *Murphy*, *Renée Gaters*, *René Josey*, and *André Rembert* are a few.

### Grave ( ` )

A grave accent mark in the English language indicates that a syllable is not accented or uses a lower inflection when it is pronounced (such as the borrowed French phrases *vis-à-vis* and *à la carte*).

See Merriam-Webster website. In French, “è” is pronounced “eh” as in the names of Judge *Michèle Forsythe* and the French author, playwright, and poet *Molière*.

Also, grave accents are sometimes used in English at the end of a word ending in “-ed” to show that the “ed” is pronounced in a separate syllable, or to indicate that a vowel that is normally silent is pronounced, or both (such as *learnèd* and *hallowèd*). Poets sometimes use the grave accent mark to make words fit a certain meter or rhythm, such as “[t]he sad account of fore-bemoanèd moan” in William Shakespeare’s “Sonnet 30” (in which he wrote about recounting past sorrows that caused fresh pain) and by songwriters in lyrics, such as “the blessèd One” found in the hymn “All Glory, Laud, and Honor.”

Grave accents are found in many other languages—like Italian, Portuguese, Dutch, and others—and they indicate a wide variety of pronunciations, but are rarely used in the English language as imported words.

### Circumflex ( ^ )

The circumflex is most often found in imported French words to show that the vowel, or syllable in which the circumflex appears, should be pronounced in a certain way. In French, the “â” is pronounced “ah” (such as in *château*, *chalet*, or *pâte*); the “ê” is pronounced “eh” (such as in *tête-à-tête* and *crêpe*); the “ô” is pronounced “oh” (such as in *hôtel* and *rôtisserie*).

### Tilde ( ~ )

As with the circumflex, the tilde is used with imported foreign words and names. This mark most often sits atop the letter “n” in Spanish, such as in “señor” (sir); *mañana* (tomorrow); *jalapeño* (very hot, green pepper); actress *Zoe Saldaña*, and *piña colada* (a coconut drink that usually comes frozen with little umbrellas on top). The “n” + tilde is pronounced as a blend of “n” and “y” sounds. See Merriam-Webster website. In Portuguese, it usually appears over the letter “a” or “o” and indicates a nasality in pronunciation, such as

in Patrão and São Paulo. *Id.*

### **Diaeresis (¨)**

My favorite accent mark is the diaeresis (also spelled “diæresis”) because it is mine. It is usually placed over the second of two adjacent vowels to show the vowels are pronounced in separate syllables. Therefore, Moïse is pronounced “Mo Ease.” Without the diaeresis, my last name would be pronounced as a one-syllable word, something like “Moyz.” Other words of French origin with a diaeresis are Noël; naïve; coöperate (which may also be spelled “co-operate” or “cooperate”); and actress-singer Zoë Kravitz (the name Zoe and Zoë are also of Greek, Portuguese, and Hungarian origin).

Novelists and poets Charlotte, Emily, and Anne Brontë also had a diaeresis in their last names. Although “Brontë” does not have two adjacent vowels, the diaeresis shows that the final vowel is pronounced as a separate syllable. According to the *Merriam-Webster Dictionary*, Brontë can be pronounced either as “Brahn-tee” or “Brahn-tay.”

See Merriam-Webster Word Central, <http://wordcentral.com/cgi-bin/student?Bronte>. Because the Brontë sisters surely did not have multiple pronunciations of their name, and no recordings exist in which they pronounced their name, a clue to its correct pronunciation comes from the fact that the sisters’ father was born as Patrick Brunty, but changed his last name to “Brontë” as a twenty-five-year-old student at Cambridge University in England. See Nicholas E. Barron, *The Story of How Charlotte Brontë Got Her Famous Name*, <https://medium.com/bidwell-hollow/the-story-of-how-charlotte-bront-c3-ab-got-her-famous-name-afe615854546> (May 25, 2030).

### **Umlaut (¨)**

An umlaut is a German accent mark that alters the pronunciation of a vowel (Brünnhilde) and often changes the meaning of a word such as *schon* (adverb meaning “already”); *schön* (adjective meaning “beautiful”). See Mary Norris, “What’s a Diaeresis?,” Merriam-Webster, Words at Play, [www.merriam-webster.com/words-at-play/mary-norris-diaeresis](http://www.merriam-webster.com/words-at-play/mary-norris-diaeresis). People frequently confuse umlauts and diaereses because they both have two dots over a vowel. However, in German, if an umlaut appears in a combination of two vowels, it goes over the first vowel, and it indicates something like a plural. *Id.* On the other hand, a diaeresis always goes over the second vowel, and it means that the vowel is pronounced in a separate syllable. *Id.*

Note that some heavy metal bands have an affinity for umlauts: Blue Öyster Cult, Hüsker Dü, Motörhead, Mötley Crüe, Queensrÿche, and Spiñal Tap, among others. In true outlaw fashion, these bands just made up the rules for these accent marks, and they are entitled to that.

### **Cedilla (,)**

As used in the English language, a cedilla is placed under the letter “c” in French and South American words to show that the letter should be pronounced as “s” rather than “k.” Examples are *façade*

(the front of a building or, alternatively, a false appearance used by certain people to make them seem better than they actually are) and açai (Brazilian berry that is touted for its health benefits). Charleston lawyer Ralitsa François also has a cedilla in her name, making it possibly the coolest name in the State of South Carolina.

### **Conclusion**

Having survived Momma's French tests for so many years, the hardest part of writing with accents now is not when to use them, but how to type them. A Google search turns up charts with shortcuts to typing letters with diacritical marks. Two good ones are <https://support.microsoft.com/en-us/office/keyboard-shortcuts-to-add-language-accent-marks-in-word-3801b103-6a8d-42a5-b8ba-fdc-3774cfc76> and <https://sites.psu.edu/symbolcodes/windows/codealt/>.

Now, you and I should go treat ourselves to a crème brûlée and cup of café. We deserve it.