

Er, What's in a Word?

05/28/12

I accompanied a client of mine who was sentenced to a term of probation to the probation office to complete some necessary paperwork. When asked to sign some documents acknowledging his responsibilities while on probation, my client noticed that the signature line was labeled 'PROBATIONER'. He asked whether he should sign in that spot, since, in his mind, he was the "probationee", not the "probationer".

The more I think about it, the more I believe my client is right.

After all, the person on the receiving end of a service is almost universally known as the "TERMee". Someone who is being trained is the trainee. A person who attends an event is an attendee. To work for another makes one an employee. This lexicon also follows through in other aspects of law:

- A person who takes possession of the property of another with the understanding that it will later be returned is known as a bailee.
- Someone on parole is a parolee.
- To enter the property of another upon request would render the person entering an invitee.

Why, then, is a person serving a term of probation under the supervision of a probation officer called a "probationer"? Shouldn't a person on probation be a probationee, much like a person of parole is a parolee? (As you read these questions, please imagine the voice of Jerry Seinfeld).

My client and I brought this anomaly to the attention of the probation officer who asked my client to complete the form. The probation officer was mildly amused, but could not offer any explanation that shed insight on the issue, other than to say that someone in Trenton might know the answer because that's where the forms are designed.

There must be some logical reason for this oddity. While we're at it, shouldn't someone serving time who escapes from his place of confinement be an "escaper" not an "escapee"?

Attorney

- Darren M. Gelber

Practice

- Criminal Defense