Spellcheck Won't Catch These: The Scopist's Guide to Commonly Confused Words

Why this guide matters

Spellcheck can't save you here. Every word in this guide is a real word, so a misused one sails through spellcheck and lands in a certified transcript with the reporter's name on it.

Steno makes this worse. A reporter writes by sound, and the CAT software picks the spelling. When two words sound alike, the software guesses, and it guesses wrong often enough that catching these is a core part of a scopist's job.

How to use it

- **Numbers and citations** come first, because they show up in nearly every legal transcript.
- **The A–Z list** gives each pair a quick meaning and a memory trick.
- **Courtroom sound-alikes** covers legal terms that steno and CAT get wrong.
- **The quick-check list** at the end is a one-page list to keep beside you while you scope.

When a pair still has you stuck, read the whole sentence aloud and ask what the speaker meant, then check the dictionary. Follow your reporter's preferences and style sheet over anything here.

Draft for Linda's review. Internet Scoping School, 2026.

Numbers, dates, and legal citations

These come up in almost every deposition, and the CAT software rarely formats them right on its own.

Write it	Not	Why
'90s	90's, '90's	The apostrophe stands in for the missing "19," so it goes in front. No apostrophe before the s: it's plural, not possessive. Make sure it curls the right way (’), not like an opening quote (‘).

Write it	Not	Why
30(b)(6)	30b6, 30B6	Federal Rule of Civil Procedure 30(b)(6) lets a party depose a company or organization, which picks the people who testify for it. Keep both sets of parentheses and the lowercase b.
12(b)(6)	12b6	A motion to dismiss for failure to state a claim. Same parentheses pattern as 30(b)(6).
401(k)	401k, 401K	The retirement plan is named for its section of the tax code. Parentheses, lowercase k.
501(c)(3)	501c3	A tax-exempt nonprofit. Parentheses, lowercase c.
a.m. / p.m.	AM, am, A.M.	Lowercase with periods is the common transcript style. Follow the reporter's preference if it differs.
Exhibit 12	exhibit twelve	Exhibit numbers are usually written as numerals and capitalized when a specific exhibit is named.
$5,000	5,000 dollars	Use the dollar sign with numerals, unless the speaker is approximating ("a few thousand dollars").

Tip: Rules and code sections always follow the parentheses pattern: number, then the subsection letter or number in parentheses, with no spaces. If you see one run together, it almost always needs splitting out.

Word list: A–D

Words	What each means	How to keep them straight
accept / except / expect	*Accept*: to receive or agree to. *Except*: other than. *Expect*: to anticipate.	*Except* and *exclude* both start with ex. "I accept every exhibit except 14."
adapt / adopt	*Adapt*: to adjust. *Adopt*: to take on as your own.	You **adopt** a policy; you **adapt** to it.
adverse / averse	*Adverse*: harmful or opposing. *Averse*: unwilling.	Courts have **adverse** parties and **adverse** rulings. A witness may be **averse** to answering.

Words	What each means	How to keep them straight
advice / advise	*Advice* is the noun. *Advise* is the verb.	"I **advise** you not to answer" is counsel giving **advice**.
affect / effect	*Affect*: usually the verb, to influence. *Effect*: usually the noun, the result.	**A**ffect is the **a**ction; **e**ffect is the **e**nd result. Watch for *effect* as a verb ("to effect a change" = to bring about).
all ready / already	*All ready*: fully prepared. *Already*: by now.	If "all" can be dropped and it still makes sense ("we're ready"), use two words.
all together / altogether	*All together*: as a group. *Altogether*: entirely.	"The documents were produced **all together**" vs. "That is **altogether** false."
allude / elude	*Allude*: to hint at. *Elude*: to escape or avoid.	**E**lude = **e**scape.
allusion / illusion	*Allusion*: an indirect reference. *Illusion*: a false impression.	An **i**llusion **i**sn't real.
a lot / allot	*A lot*: many (always two words). *Allot*: to give out a share.	"Alot" is never a word.
any more / anymore	*Any more*: any additional amount. *Anymore*: any longer, from now on.	"Do you have **any more** questions?" vs. "I don't work there **anymore**."
any time / anytime	*Any time*: an amount of time. *Anytime*: whenever.	"Did you spend **any time** there?" vs. "Call me **anytime**."
apart / a part	*Apart*: separated. *A part*: one piece of.	Opposites: "They lived **apart**" vs. "She was **a part** of the team."
appraise / apprise	*Appraise*: to set a value. *Apprise*: to inform.	Counsel will **apprise** the court; an expert **appraises** the property.
ascent / assent	*Ascent*: a climb. *Assent*: agreement.	**As**sent is saying yes; a**sc**ent is a **sc**ramble upward.
bare / bear	*Bare*: uncovered, minimal. *Bear*: to carry or endure; the animal.	"**Bear** with me" is never *bare*. "The **bare** minimum."

Words	What each means	How to keep them straight
breath / breathe	*Breath*: noun. *Breathe*: verb.	The **e** on the end makes it the action.
capital / capitol	*Capitol*: the building. *Capital*: everything else (city, money, letters, crime).	The capit**o**l has a d**o**me.
cite / site / sight	*Cite*: to quote or reference; also to issue a ticket. *Site*: a location. *Sight*: vision, something seen.	Lawyers **cite** cases. A construction **site**. Out of **sight**.
complement / compliment	*Complement*: to complete or go with. *Compliment*: praise.	Compl**e**ment compl**e**tes; compl**i**ment = **I** like it.
conscience / conscious	*Conscience*: sense of right and wrong. *Conscious*: awake, aware.	"Was he **conscious** at the scene?"
continual / continuous	*Continual*: repeated, with breaks. *Continuous*: unbroken.	**Continuous** pain never stops; **continual** complaints keep coming back.
council / counsel	*Council*: a governing body. *Counsel*: an attorney; advice; to advise.	In a transcript, the lawyer is always **counsel**. "City **council**" is a board.
decent / descent / dissent	*Decent*: acceptable. *Descent*: going down; ancestry. *Dissent*: disagreement.	A judge writes a **dissent**.
defuse / diffuse	*Defuse*: to calm or disarm. *Diffuse*: to spread out.	You **defuse** a bomb or an argument.
discreet / discrete	*Discreet*: careful, private. *Discrete*: separate, distinct.	In dis*crete*, the **t** separates the two e's.
disinterested / uninterested	*Disinterested*: impartial, no stake. *Uninterested*: bored.	A neutral arbitrator is **disinterested**.

Word list: E–L

Words	What each means	How to keep them straight
elicit / illicit	*Elicit*: to draw out. *Illicit*: illegal.	Attorneys **elicit** testimony. **Ill**icit = **ill**egal.
eminent / imminent	*Eminent*: distinguished. *Imminent*: about to happen.	**Im**minent = **im**mediate. Note the legal term **eminent domain**.
ensure / insure / assure	*Ensure*: to make certain. *Insure*: to cover with insurance. *Assure*: to reassure a person.	**In**sure is for **in**surance. You **assure** people and **ensure** outcomes.
every day / everyday	*Every day*: each day. *Everyday*: ordinary (describes a noun).	If you can say "each day," use two words. "An **everyday** task" happens **every day**.
every one / everyone	*Every one*: each single item. *Everyone*: all people.	"**Every one** of the exhibits" vs. "**Everyone** in the room."
explicit / implicit	*Explicit*: stated outright. *Implicit*: implied.	**Ex**plicit is **ex**pressed.
fair / fare	*Fair*: just; light-colored; an event. *Fare*: the price of a ride; to get along.	"How did you **fare**?" "Bus **fare**."
farther / further	*Farther*: physical distance. *Further*: more, additional.	**Far**ther is a **far** distance. "Nothing **further**" ends questioning.
fewer / less	*Fewer*: things you can count. *Less*: amounts you can't count.	**Fewer** exhibits, **less** time.
flair / flare	*Flair*: a talent or style. *Flare*: a flame or sudden outburst.	Pain **flares** up; a person has a **flair** for something.
formally / formerly	*Formally*: officially. *Formerly*: previously.	**Former**ly looks back to a **former** time.
foreword / forward	*Foreword*: the opening of a book. *Forward*: ahead.	A fore**word** is made of **words**.
hear / here	*Hear*: to listen. *Here*: this place.	You h**ear** with your **ear**.

Words	What each means	How to keep them straight
imply / infer	*Imply*: the speaker suggests. *Infer*: the listener concludes.	The witness **implies**; the jury **infers**.
into / in to	*Into*: movement inside. *In to*: "in" plus "to" doing separate jobs.	"He walked **into** the office" vs. "She turned the report **in to** HR."
its / it's	*It's*: it is or it has. *Its*: belonging to it.	Say "it is." If it works, use the apostrophe.
lay / lie	*Lay*: to put something down (takes an object). *Lie*: to recline.	Past tense trips everyone up: today I **lie** down, yesterday I **lay** down; today I **lay** the file down, yesterday I **laid** it down.
lead / led	*Lead* (rhymes with *bed*): the metal. *Led*: past tense of *lead* (to guide).	If it already happened, it's **led**. Steno often outputs *lead* for both.
let's / lets	*Let's*: let us. *Lets*: allows.	"**Let's** take a break" vs. "The rule **lets** you object."
lightning / lightening	*Lightning*: the flash in a storm. *Lightening*: making lighter.	No **e** in the storm.
loath / loathe	*Loath*: reluctant. *Loathe*: to hate.	Like *breathe*, the **e** makes it the verb.
loose / lose	*Loose*: not tight. *Lose*: to misplace or fail to win.	**Lose** has lost an **o**.

Word list: M–R

Words	What each means	How to keep them straight
maybe / may be	*Maybe*: perhaps. *May be*: might be (a verb).	If you can swap in "might be," use two words.
moral / morale	*Moral*: about right and wrong. *Morale*: a group's spirit or confidence.	Employee **morale** was low.

Words	What each means	How to keep them straight
on to / onto	*Onto*: on top of. *On to*: moving on ("on" plus "to").	"He climbed **onto** the roof" vs. "Let's move **on to** Exhibit 6."
palpation / palpitation	*Palpation*: a doctor examining by touch. *Palpitation*: a racing or pounding heartbeat.	The doctor **palpates**; the heart **palpitates**. Common in medical testimony.
passed / past	*Passed*: past tense of *pass*. *Past*: earlier time; beyond.	If it's an action, it's **passed**: "She **passed** the intersection." "In the **past**." "He drove **past** it."
peace / piece	*Peace*: calm, no conflict. *Piece*: a part.	A **pie**ce of **pie**.
personal / personnel	*Personal*: private, individual. *Personnel*: employees, staff.	**Personnel** files belong to HR.
perspective / prospective	*Perspective*: point of view. *Prospective*: likely or future.	A **pro**spective client is a **pro**bable one.
plural / pleural	*Plural*: more than one. *Pleural*: relating to the lining of the lungs.	**Pleural** effusion, **pleural** mesothelioma. Watch for it in asbestos and medical cases.
pore / pour	*Pore*: to study closely; a tiny skin opening. *Pour*: to make liquid flow.	You **pore** over records.
precede / proceed	*Precede*: to come before. *Proceed*: to go forward.	**Pre** = before. "You may **proceed**, Counsel."
principal / principle	*Principal*: main; the head of a school; a sum of money. *Principle*: a rule or belief.	A princip**le** is a ru**le**. Loan **principal**; **principal** place of business.
prostate / prostrate	*Prostate*: the gland. *Prostrate*: lying face down.	The extra **r** is someone **r**eclining.
quiet / quite / quit	*Quiet*: silent. *Quite*: very, completely. *Quit*: to stop.	A steno classic. Read the sentence for meaning.
raise / rise	*Raise*: to lift something (takes an object). *Rise*: to go up on its own.	"Please **raise** your right hand." "All **rise**."

Words	What each means	How to keep them straight
rein / reign	*Rein*: a strap to guide a horse; to control. *Reign*: to rule.	"Free **rein**" and "**rein** in" come from horses.
respectfully / respectively	*Respectfully*: with respect. *Respectively*: in the order given.	"Exhibits 4 and 5 are the lease and the invoice, **respectively**."
role / roll	*Role*: a part or function. *Roll*: to turn over; a list; bread.	"What was your **role**?" "**Roll** call."

Word list: S–Z

Words	What each means	How to keep them straight
scene / seen	*Scene*: a place where something happened. *Seen*: past participle of *see*.	"At the **scene**" vs. "Have you **seen** this document?"
sense / cents / since	*Sense*: meaning; perception. *Cents*: pennies. *Since*: from a time; because.	Steno often swaps these. "It makes **sense**." "Fifty **cents**." "**Since** 2019."
set / sit	*Set*: to place something (takes an object). *Sit*: to be seated.	You **set** the box down and **sit** in the chair.
set up / setup	*Set up*: the verb. *Setup*: the noun or describing word.	"We **set up** the room" vs. "The **setup** took an hour." Same pattern for *log in / login*, *work out / workout*, *follow up / follow-up*.
some time / sometime	*Some time*: an amount of time. *Sometime*: at an unspecified time.	"It took **some time**" vs. "Call me **sometime**."
stationary / stationery	*Stationary*: not moving. *Stationery*: writing paper.	Station**e**ry is for l**e**tters. A **stationary** vehicle was hit.
statue / statute	*Statue*: a sculpture. *Statute*: a law.	The extra **t** is for la**t**. **Statute** of limitations.

Words	What each means	How to keep them straight
supposed to / suppose to	Almost always *supposed to*, with a d.	The d is easy to miss when spoken. "I was **supposed to** call."
than / then	*Than*: compares. *Then*: time; next.	Th**e**n is about wh**e**n.
their / there / they're	*Their*: belonging to them. *There*: a place. *They're*: they are.	**There** has *here* inside it.
though / through / threw / thorough	*Though*: however. *Through*: in one side and out. *Threw*: past of *throw*. *Thorough*: complete.	A steno favorite. Read each one for meaning.
to / too / two	*To*: direction; part of a verb. *Too*: also; excessively. *Two*: 2.	**Too** has too many o's.
tortious / tortuous / torturous	*Tortious*: relating to a tort (a civil wrong). *Tortuous*: twisting, complicated. *Torturous*: painful.	**Tortious** interference is a legal claim, not a painful one.
used to / use to	Almost always *used to*.	Like *supposed to*, the d disappears in speech. "I **used to** work there."
vain / vein / vane	*Vain*: conceited; useless. *Vein*: a blood vessel. *Vane*: a blade (weather vane).	Medical testimony uses **vein**. "In **vain**."
waive / wave	*Waive*: to give up a right. *Wave*: a hand gesture; water.	Counsel may **waive** signature or **waive** reading.
waiver / waver	*Waiver*: giving up a right (a noun). *Waver*: to hesitate.	Sign the **waiver**. Her answer did not **waver**.
weather / whether	*Weather*: conditions outside. *Whether*: if.	"**Whether** or not" asks a question.
were / where / we're	*Were*: past of *are*. *Where*: a place. *We're*: we are.	**Where** has *here* in it, like *there*.
who's / whose	*Who's*: who is or who has. *Whose*: belonging to whom.	Same test as *it's*: say "who is."

Words	What each means	How to keep them straight
your / you're	*Your*: belonging to you. *You're*: you are.	Say "you are." If it works, use the apostrophe.

Courtroom sound-alikes

Legal Latin and courtroom phrases are where CAT software struggles most. If the reporter hasn't added a term to their dictionary, it comes out as nonsense English. When a phrase looks oddly random, sound it out and check this list.

Correct term	Watch for something like	What it means
voir dire	"four deer," "war dire"	Questioning potential jurors (or an expert) before they're accepted.
in limine	"in lemony," "in Lim many"	A motion made before trial to keep certain evidence out.
subpoena duces tecum	"do sees take 'em"	A subpoena ordering someone to bring documents.
pro se	"pro say"	Representing yourself without a lawyer.
prima facie	"prima facia," "primo fashy"	Enough evidence on its face to prove a point unless rebutted.
de novo	"the novo"	A fresh review, without deferring to the earlier decision.
sua sponte	"sue a sponte"	The court acting on its own, without a party asking.
guardian ad litem	"ad lightem"	A person appointed to protect a minor's or other party's interests in a case.
res judicata	"race judicata"	A matter already decided that can't be brought again.
Bates number	"bait number," "Bates" lowercase	The page-stamp number on produced documents. Capitalized.
precedent	"president"	An earlier decision used as authority.

Correct term	Watch for something like	What it means
appellant / appellate	swapped	*Appellant*: the party appealing. *Appellate*: the court level (appellate court).
lien	"lean"	A legal claim on property as security for a debt.
mitigate / militate	swapped	*Mitigate*: to lessen. *Militate*: to weigh against ("militates against").
plaintiff's / plaintiffs'	wrong apostrophe	One plaintiff: **plaintiff's**. More than one: **plaintiffs'**. Same for *defendant's / defendants'*. Check the caption to see how many parties there are.

Tip: When you fix one of these, let your reporter know so they can add it to their dictionary. It saves you both the same fix next time.

Quick-check list

Keep this page beside you while you scope. When one of these words turns up, stop and check that it fits the meaning.

accept / except / expect	affect / effect	all ready / already
all together / altogether	allude / elude	a lot / allot
any more / anymore	any time / anytime	apart / a part
ascent / assent	bare / bear	breath / breathe
capital / capitol	cite / site / sight	conscience / conscious
council / counsel	discreet / discrete	elicit / illicit
eminent / imminent	ensure / insure / assure	every day / everyday
fair / fare	farther / further	its / it's
into / in to	lay / lie	lead / led
let's / lets	loose / lose	on to / onto

passed / past	perspective / prospective	plural / pleural
precede / proceed	principal / principle	quiet / quite / quit
scene / seen	sense / cents / since	stationary / stationery
statue / statute	supposed to / used to	than / then
their / there / they're	though / through / threw / thorough	to / too / two
waive / wave	weather / whether	who's / whose
work out / workout	set up / setup	your / you're

When in doubt: read the sentence aloud, decide what the speaker meant, and look it up. Then follow your reporter's style sheet.