

The Scrivener: Modern Legal Writing

All for One: Subject-Verb Agreement for Compounds and Collective Subjects

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Do you have questions about legal writing? K.K. DuVivier will be happy to address them through the *Scrivener* column. Send your questions to: kkduvivier@law.du.edu or call her at (303) 871-6281.

I frequently get questions from readers, and when possible, answer them immediately. However, the following question was complex enough that I thought I would share it, as well as my response, through a column.

*KK: I missed the memo that changed noun-verb agreement on nouns formerly defined as singular i.e. "staff," meaning more than one person, as in "the staff **are**." When did it change from "the staff **is**"? Who decided on this change, and why wasn't I notified? I'm making light of this issue, but I'm perplexed. P.S. Grammar check didn't get the memo either.*

District Judge Marilyn Leonard

Compound Subjects

The general rule is that a singular subject takes a singular verb and a plural subject takes a plural verb.

Examples:

—*She enjoys chocolate cake.* (Singular subject with singular verb.)

—*They enjoy chocolate cake, too.* (Plural subject with plural verb.)

But what happens when the subject is two or more nouns combined by a conjunction? These "conjunctive-compound subjects" usually take a plural verb.

Example:

—*The plaintiff and defendant agree to the continuance.*

(Nouns joined by the conjunction "and" create a plural subject both acting on the verb.)¹

There are at least two exceptions to the general rule. First, if the nouns are joined by a disjunctive compound, such as "or" or "nor," the verb should agree with the subject closest to the verb.² When the

subject involves both a singular and plural noun, it is best to place the plural noun near the verb to avoid an awkward result.

Examples:

—*Neither the prosecution nor the defense is ready for trial.*

(Nouns joined by the disjunctive "nor" act independently and warrant a singular verb.)

—*Neither the jurors nor the judge seems sympathetic to our argument.*

(This version correctly uses a singular verb after the singular noun "judge," but seems more awkward than the construction below.)

—*Neither the judge nor the jurors seem sympathetic to our argument.*

(This version uses the plural noun "jurors" and follows it with a plural verb.)³

The second exception to the rule that compound subjects require a plural verb is a compound subject representing a singular object or idea. When the compound subject is singular in this way, the verb should be singular to match.

Examples:

—*Black tie and tails is the designated attire.*

—*To forsake my client and to settle for less than my client has actually paid in medical bills is out of the question.*

(The two indefinite phrases refer to the same action, so the sense is singular in number.)

—*A philanthropist, author, and scholar is with us tonight.*

("Philanthropist, author, and scholar" all refer to the same person. The singular determiner "a" before the list is a clear signal that the phrase is singular in meaning.)⁴

Subject–Verb Agreement— Collective Nouns

A collective noun is a noun "that appears singular in formal shape but denotes a group of persons or objects."⁵ Some of the most commonly-used collective nouns in legal writing include "jury," "family," "appellate court," and "majority."⁶ Many of us had conscientious writing teachers drum into our heads that these collective nouns always require a singular verb. Thus, even if the Supreme Court is composed of nine justices, the proper form requires a singular verb: "*the Supreme Court issues its decision*," instead of "*the Supreme Court issue their decision*."⁷

Although the consistency of a rule requiring a singular verb with all collective nouns may be comforting, use of plural verbs with some collective nouns has long been recognized.⁸ The frayed pages of my vintage unabridged dictionary contain the same rule on collective nouns as that set out in most recent authorities on writing style.⁹ If we are using a collective noun as the subject, the context of the sentence will cue us as to whether the verb should be singular or plural. If the collective noun describes a combined

group action, we should use a singular verb. If the sentence describes actions of individuals in the collective group, we use a plural verb.¹⁰

Examples:

— *The band plays The Star Spangled Banner.* (Clearly collective.)

— *The band warm up on their instruments.* (Clearly individual.)¹¹

Conclusion

So, my answer to Judge Leonard's question above is a lawyer-like, "it depends." If her staff is taking a collective action, the verb should be singular. If the staff are acting independently, however, she should use a plural verb.

Example:

— *The staff agrees to the contract change.* (Collective action.)

— *The staff are divided in their views about the contract language.* (Individual action.)

Furthermore, if the context allows either a singular or plural interpretation, the choice often comes down to which form reads most smoothly.¹² Because the goal is to avoid constructions that might distract readers from the content of our writing, we must primarily be consistent about whichever choice we make within a document. Unfortunately, because the decision about whether to use a singular or plural verb requires discretion, we can't always trust grammar check to set us straight.

NOTES

1. Garner, *The Redbook, A Manual of Legal Style* 140 (St. Paul, MN: West Group, 2002).

2. *Id.* at 138-39.

3. Examples taken verbatim from *The Redbook, supra*, note 1 at 143.

4. *Id.* at 138-39.

5. See Stein, ed., *The Random House Dictionary of the English Language* 290, unabridged ed. (New York, NY: Random House, 1971).

6. Enquist and Oates, *Just Writing* 187 (Gaithersburg, NY: Aspen Law & Business, 2001).

7. Ray and Ramsfield, *Getting It Right and Getting It Written* 217, 3rd ed. (St. Paul, MN: West Group, 2000).

8. *The Redbook, supra*, note 1 at 141 (Although this is not the main thrust of the rule, this section of *The Redbook* notes, "The American preference is to use collective nouns (e.g., *committee*) as singular, and to specify individuals (e.g., *committee members*) when individual action is implied." None of the other authorities indicates this is an American peculiarity.)

9. "When a singular verb is used with [a collective] noun, it is thought of as naming a unit, as *family* in 'My family is related to Washington'; when a plural verb is used, it is thought of as referring to individuals, as in 'My family are all at home.'" *The Random House Dictionary, supra*, note 5 at 290.

10. *The Redbook, supra*, note 1 at 141; *Just Writing, supra*, note 6 at 187-88. See also Sebranek, Kemper, and Meyer, *Writers Inc.* 479 (Wilmington, MA: Write Source, 2001). *But cf. Getting It Right, supra*, note 7 at 217 (suggesting only the singular form is appropriate for collective subjects).

11. Examples taken verbatim from *The Redbook, supra*, note 1 at 141.

12. *Id.* at 141.