

The Scrivener: Modern Legal Writing



Pronoun References: Part II— A Case for Pronouns

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Pronouns can be efficient writing tools: they save space and provide variation. Without them, we would repeat the original noun continually each time we referenced it.

The last *Scrivener* column¹ discussed pronoun ambiguity created when more than one word in a sentence could serve as the word the pronoun replaces or when a pronoun is used as a broad sweeping reference. In these ambiguous situations, it is best to repeat the noun; a pronoun substitute will not do. This column addresses pronoun basics and clarifies five areas in which pronoun case creates problems.

Pronouns are troublesome for many writers because they are one of the few noun forms in the English language that are altered to indicate grammatical features. We are all familiar with the changes or inflections in verbs to indicate person, number and tense. For example the following chart shows some well-known inflections of the verb "to be":

Person	Number	Present tense form
1 st person	singular	am
2 nd	"	are
3 rd	"	is
1 st , 2 nd , and 3 rd	plural	are

Similarly, the first step in choosing the correct pronoun form is to determine whether the pronoun agrees with its antecedent in person (1st, 2nd, or 3rd) and number (singular or plural). Tense is not a variable for pronouns as it is with verbs, but pronouns do vary according to gender (masculine, feminine, or neuter).² The gender of pronouns creates problems for those who wish to make their writing gender neutral. Solutions for that problem were addressed in a previous column.³ This column focuses primarily on the final factor that determines a pronoun's form: case.

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A word's case reflects its function within a sentence. In English, there are three main cases: subjective, objective, and possessive.

The subjective case is used when a pronoun serves as the subject—the person or thing about which the verb of the sentence speaks.

Example (subjective): *He is the suspect who was arrested.* ("He" is the subject of the sentence. "Who" is a subject of the linking verb "is." Linking verbs are discussed further below.)

Use the objective case of the pronoun if it serves as the object of a verb or a preposition.

Example (objective): *After speaking with the authorities, we handed him over to them.* ("Him" is the object of the verb "handed," and "them" is the object of the preposition "to.")

When a pronoun answers the question "Whose?" then it shows possession and should be in the possessive case.

Example (possessive): *In the struggle, the defendant injured his neck.* ("His" answers the question of "Whose neck?" Therefore, "his" is possessive.)

On the following page is a chart that summarizes the main personal pronoun forms.

Five Pronoun Problem Areas

1. Antecedents

Note that a pronoun's case is distinct from the case of its antecedent. Several pronouns can share the same antecedent yet play different roles in the same sentence.

Example: *The defendant asked that we meet him before trial and bring him his blue suit to wear.* (All three of the underlined pronouns have "defendant" as their antecedent, but their case varies according to their use in the sentence.)

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Main Personal Pronoun Forms

Person	Number	Gender	Subjective	Objective	Possessive
1st person	singular	all	I	me	my/mine
"	plural	"	we	us	our/ours
2nd	both	"	you	you	your/yours
3rd	singular	masculine	he	him	his
"	"	feminine	she	her	her/hers
"	"	neuter	it	it	its ⁴
"	plural	all	they	them	their/theirs

2. Comparisons

An area that frequently causes confusion is comparisons at the end of a sentence. The pronoun should match the case of the noun to which it is being compared. One way of checking whether you have used the correct form is to repeat mentally the verb to see if the pronoun sounds correct.

Example #1 (subjective): *When it comes to drafting briefs, Jean does a better job than he [mentally fill in "does"]. ("He" is being compared to "Jean," which is the subject of the sentence.)*

Example #2 (objective): *Because of her superior abilities, I would choose Jean rather than [choose] him. ("Him" is in the objective case because the comparison is with "Jean," which is the object of the verb "choose.")*

3. Compound Constructions

Many writers insert the wrong pronoun when distracted by a compound construction—two or more words joined by a conjunction such as "and." Frequently, this error can be avoided by sounding out the pronoun form without the other word or words in the construction.

Example: *To maintain the attorney-client privilege, we must keep this information between you and me. ("Me" is the object of the preposition "between.")*

4. Linking Verbs

A linking verb is usually a form of the verb "to be" that connects the subject of the sentence with a word that describes the subject's condition or state of being. Although the rule is often relaxed in conversation,⁵ the subjective case is grammatically the correct form to use following a linking verb.

Example: *When asked who made the objection, Jack responded that it was he. (Although some may say "It was him." or "It was me." in conversation, the correct form is the subjective: "It was he." or "It was I.")*

5. For the Experts—Gerunds and Participles

When a verb form ending in "ing" serves as a noun, it is called a gerund. A pronoun related to a gerund should be in the pos-

sessive form because it modifies the gerund that acts like a noun. This rule is confusing, however, because the "ing" form also can serve as a "participle" that modifies a noun or pronoun.

Example (gerund): *I hope you didn't mind my interrupting your conversation.⁶ ("My" is in the possessive case because it modifies the gerund "interrupting." The emphasis here is on the interrupting.)*

Example (participle): *I hope you didn't mind me interrupting your conversation. (Emphasis in this sentence is on the fact that I ("me") am the one doing the interrupting. Therefore, it is the participle "interrupting" that modifies "me," and so the pronoun is not in the possessive case.)*

The study of pronoun references may be less inspiring than other aspects of legal writing. However, pronoun errors can detract significantly from your credibility and from the force of your case.

NOTES

1. DuVivier, "Pronoun References: Part I—When No Substitute Will Do," 25 *The Colorado Lawyer* 29 (July 1996).

2. Declension is the term used specifically for the inflection of nouns, pronouns, and adjectives. Inflected nouns were commonplace in ancient languages such as Latin (*verbum, verbi*) and Old English (*word, wordes, worde*). We inflect nouns for number in English, by adding an *s* for plurals or for some nouns by changing the form, such as child (singular) versus children (plural). Although English does not generally inflect for gender, many other modern languages inflect adjectives for gender. *E.g.*, French: *le beau homme; la belle femme*.

3. DuVivier, "Gender Neutral," 21 *The Colorado Lawyer* 1873 (Sept. 1992).

4. Even though the possessive of many nouns is formed with 's, note that there are no apostrophes before the *s* in the possessive pronouns. "It's" is not the possessive pronoun; it's the contraction for "it is."

5. Tarshis, *Grammar for Smart People* 55 (N.Y.: Pocket Books/Simon & Schuster, Inc., 1992).

6. Example modified from Tarshis, *supra*, note 5, at 59.



Bankruptcy Judge's Informal Seminar to be Held September 16

The next Bankruptcy Judge's Informal Seminar will be presented by Chief Judge Charles E. Matheson at 5:15 P.M. on Monday, September 16, at the Federal Office Building in Denver. Participants must be prepared to show picture ID on entering the building.

The seminar will include a review of current decisions, new rules and local procedures, and other matters of current interest. No reservations are necessary. For additional information, call Carol Snapp in Denver at (303) 844-2294.