



## Verb-Based Writing

by K.K. DuVivier

© 2004 K.K. DuVivier

"Some of our people write horribly. Can you come give a talk to teach them how to write well?" This invitation is one that law firms and professional groups often extend, and it raises for me a recurring dilemma. Writing takes constant practice, attention, and vigilance, so the pursuit of lucid writing must be a lifetime commitment. Many habits form in childhood, and change can be painfully incremental.<sup>1</sup> What can I say in one sitting that would make any difference?

A colleague, who has devoted most of his career to legal writing, has developed an excellent solution. In a recent talk at the University of Denver College of Law,<sup>2</sup> C. Edward Good, author<sup>3</sup> and "writer in residence" at a law firm,<sup>4</sup> delivered a one-hour talk teaching our students that the most efficient way to improve writing is by developing "verb-based style."

### Step One—Ferret Out the Verb

The single most important word in most English sentences is the verb.<sup>5</sup> Every sentence must have at least one verb, and if a sentence consists of only one word, that word is usually a verb (for example, "Come." or "Look."). Good advises grabbing a marker to search for the most troublesome verb in the English language, the verb "to be." Read through your writing and highlight each time you use one of the following forms of the verb: "am, is, was, are, were, be, been, being." Good uses the following examples of how "to be" often crops up.

#### As a Conjugated Verb

- The *SEC* (subject) *was* (form of the verb "to be") the first *agency* (subject complement or predicate nominative) to address the issue.
- The *agencies* (subject) *were* (form of "to be") *instrumental* (predicate adjective) in reducing passengers' injuries.
- The *law firm* (subject) *is* (form of "to be") *near the Metro station* (adverb or adverbial phrase).

#### As a Helping Verb

- Progressive Tense = Be + "ing" verb (present participle): We *are studying* effective writing.
- Passive Voice = Be + "ed" verb (past participle): The issue *was decided* by the agency. (Note that many past participles do not end in "ed": The movie *was shown* by John.)

### Step Two—Revise to Eliminate The Verb "To Be"

The verb "to be" saps the energy from your sentences. It shifts attention away from the actor and the action. A new language called "E-prime" strives to eliminate "to be" in all writing and speaking.<sup>6</sup> Good outlines the following strategies for doing just that.

- *Show "being" through "doing."*  
*Example:* When you get rid of the verb *to be*, your writing *will be better*.  
*Revision:* When you get rid of the verb *to be*, your writing *will improve*.
- *Find an actor.*<sup>7</sup>  
*Example:* *There are few cases that have been decided* on this set of facts.  
*Revision:* *Only a few courts have decided* cases on this set of facts.
- *Edit out "nouniness" or "nominalizations."*<sup>8</sup>  
*Example:* It was the court's belief that *proof* of his guilt was not possible.  
*Revision:* The court *believed* no one could *possibly prove* his guilt.

#### 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](mailto:kkduvivier@law.du.edu) or call her at (303) 871-6281.



*K.K. DuVivier is an Assistant Professor and Director of the Lawyering Process Program at the University of Denver College of Law.*

- *Use intransitive verbs to show movement or location.*  
Example: She *was still* on the street corner.  
Revision: She *remained* on the street corner.
- *Use linking verbs.*  
Example: A diagram showing the plan *is attached* as Exhibit B.  
Revision: A diagram showing the plan *appears* as Exhibit B.

### Step Three—Watch Out for “There is” and “There are.”

“It is,” “there is,” or “there are” clauses are expletives and often clutter a sentence because they serve as surrogates for the noun in the subject position. Good first advises to eliminate them: “Expletive deleted.” However, Good alerts his audience to some common mistakes that arise when you do use them.

- *Watch for agreement in number.*  
Example: There *is* too many mistakes going on.  
Revision: There *are* too many mistakes going on. (The verb should be plural if “mistakes,” the noun following the expletive, is plural.)
- *Watch for that clauses.*  
Example: It is the belief of the Board *that* this policy is an impediment to successful completion of the project.  
Revision: The Board believes this policy impedes successful completion of the project.

### Conclusion

Writing is difficult, and most of us must work hard to improve. Words cannot substitute for the hard work, but sometimes they can have an impact by revolutionizing our perspective. Transform your writing by making a single change: convert to verb-based style.

### NOTES

1. DuVivier, “Nothing So Destructive As Habit,” 26 *The Colorado Lawyer* 41 (Jan. 1997).
2. A video of the presentation is available at <http://www.law.du.edu/lawproc/tutorials.htm>.
3. See Good, *A Grammar Book for You and I . . . Oops, Me!* (Herndon, VA: Capital Books 2002); Good is the developer of *Lawmanac*, the trademark for the clickable help system for legal writers by © 2003 Grammar.com. For information on site licenses, visit <http://www.Grammar.com>.
4. Good’s title is “Counsel & Writer-in-Residence” for the intellectual property law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, in Washington, D.C. (ed.good@finnegan.com).
5. DuVivier, “Power Verbs,” 22 *The Colorado Lawyer* 2369 (Nov. 1993).
6. See [http://www.generalsemantics.org/Articles/E-Prime\\_intro.htm](http://www.generalsemantics.org/Articles/E-Prime_intro.htm). See also Murphey, “To Be in Their Bonnets,” *Atlantic Monthly* (Feb. 1992).
7. For more on eliminating the passive voice, see DuVivier, “Problems With the Passive Voice,” 24 *The Colorado Lawyer* 545 (March 1995).
8. Nominalizations are nouns with verb roots, such as *agreement* (for agree) or *assumption* (for assume). For more on eliminating these, see DuVivier, *supra*, note 5. ■



### Hiring Solution:

Trial team. Successfully managed thousands of documents and exhibits, coordinated witnesses, and performed complex legal research during eight week trial. Results oriented and still friendly at 2 a.m.

For over twenty years, the professionals at Strategic Staffing Associates have staffed and managed small and large-scale projects. We have the right legal personnel for your staffing needs.



## People Are Our Business

Providing solutions for your hiring needs:

**Direct Hire • Temporary  
Temp-to-Hire • Contract Projects**

Specializing in:

**Attorneys • Paralegals  
Legal Secretaries • Litigation Support  
Due Diligence Reviews • Trial Teams**

For information contact:

**Sharon Davis, Director of Legal Staffing**

**Myrlynne Sjogren, Client Services Manager**

1350 17th Street, Suite 300  
Denver, CO 80202

tel 303-407-1496 • fax 303-407-1499

[www.ssapeople.com](http://www.ssapeople.com)

**S t r a t e g i c   S t a f f i n g   A s s o c i a t e s**