

# Grammar and Usage Review

## Legal Writing Clinic



Parallelism, Pronouns,  
Modifiers, & Verbs  
Usage

# Grammar mistakes can lead to unintended meanings

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- ❑ The family lawyer will read the will tomorrow at the residence of Mr. Hannon, who died June 19 to accommodate his relatives. (Was his death or the reading to accommodate the relatives?)
- ❑ The body was found in an alley by a passer-by with a bullet in his head. (Was it the body or the passer-by who took the bullet to the head?)
- ❑ Mrs. Shirley Baxter, who went deer hunting with her husband, is very proud that she was able to shoot a fine deer as well as her husband. (Did she shoot her husband and a deer?)
- ❑ --Examples from Richard Lederer, syndicated columnist

# I. Parallelism

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- **Parallelism** is similar grammatical form for coordinated elements.
  - **Coordinated elements** are parts of the sentence joined by conjunctions (“and,” “but,” “or,” “nor,” “yet”).
  - Coordinated elements can be pairs or a series.

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- **Similar grammatical form** means a noun is matched to other nouns, a verb is matched to other verbs, prepositional phrases are matched to other prepositional phrases, and so on.

# Examples

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- Lawyers, judges, and clients all want justice.
- Attorneys must listen to clients, research issues, create arguments, and win cases.
- Clients convey information over the phone, in person, and by mail.

# Key to creating parallel sentences

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- To create the same grammatical form
  - match the introductory words (for example, "that") OR
  - match the endings of key words

# Examples

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- The defendant conceded that she assaulted Coachman and that a trial would determine only the degree of the assault.
- The defendant claims that on the day of the murder he was at home alone washing his car, mowing his lawn, and bathing his dog.

# Practice

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- A. One factor governing the award of child support includes the cost of caring for, maintaining, and the education of the children.
- A. One factor governing the award of child support includes the cost of caring for, maintaining, and educating the children.



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- B. The proposed transmission line is ugly, unsafe, and will endanger the environment.
  - B. The proposed transmission line is ugly, unsafe, and dangerous to the environment.

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- C. Smith's reasons for breaking into the locked box were his suspicion that it contained financial records and he expected a reward from the Justice Department.
  - C. Smith's reasons for breaking into the locked box were his suspicion that it contained financial records and his expectation of a reward from the Justice Department.

# Parallelism/Correlative Conjunctions

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- Parallelism is also required for elements joined by correlative conjunctions.
- **Correlative conjunctions** are pairs of words such as
  - either/or      neither/nor
  - both/and      whether/or
  - not only/but also

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- Whatever follows the first half of the pair should match what follows the second half.
  
  - either \_\_\_\_\_
  - or \_\_\_\_\_
  
  - not only \_\_\_\_\_
  - but (also) \_\_\_\_\_

# Examples

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- Campbell's prior convictions are either similar or identical.
- either similar
- or identical
- The defendant admits that she not only verbally but also physically abused her children.
- not only verbally
- but also physically

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- Parallelism is also required when comparing or contrasting elements.
  - more \_\_\_\_\_ than \_\_\_\_\_
  - less \_\_\_\_\_ than \_\_\_\_\_
  - \_\_\_\_\_ rather than \_\_\_\_\_

# Examples

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- Wilson's attention was centered more on the assailant's gun than on his face.
- The court applied the "clearly erroneous" standard rather than the arbitrary and capricious standard.

# Practice

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- D. The voluminous record in this case both contains substantial and conflicting evidence regarding the sequence of events, the actions of the parties, and what was the condition of the intersection.
- D. The voluminous record in this case both contains substantial and conflicting evidence regarding the sequence of events, the actions of the parties, and the condition of the intersection.



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- D. The voluminous record in this case contains both substantial and conflicting evidence regarding the sequence of events, the actions of the parties, and the condition of the intersection.

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- E. The trial court concluded that the agreement was not only fair economically but also procedurally fair.
  - E. The trial court concluded that the agreement was not only economically fair but also procedurally fair. OR
  - E. The trial court concluded that the agreement was fair not only economically but also procedurally.

## II. Pronouns

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- Pronouns are substitutes for nouns.
- The noun a pronoun substitutes for is called its **Antecedent**.
  
- Antecedent: Mike Jones
- Pronouns: he, his, him

# Keys to using pronouns correctly

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- 1. Pronoun must clearly refer to *one* antecedent.

# Examples

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- ❑ Officer Robert O'Malley, who arrested Howard Davis, said he was drunk at the time.
- ❑ Possible corrections:
- ❑ Officer Robert O'Malley, who arrested Howard Davis, said Davis was drunk at the time.
- ❑ Officer Robert O'Malley was drunk when he arrested Howard Davis.

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- ❑ Because Colson was operating the backhoe that ran over Gibb's fence, he is responsible for the damage it suffered.
  - ❑ Because Colson was operating the backhoe that ran over Gibb's fence, he is responsible for the damage to the backhoe.
  - ❑ Colson is responsible for damaging Gibb's fence because he was operating the backhoe that ran over it.

# Keys to using pronouns correctly

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- 2. Pronoun must refer to a *stated* antecedent.

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- ❑ Incorrect:
  - ❑ Six bearskin rugs decorated the house, and Sam claimed to have killed them.
  - ❑ Corrected:
  - ❑ Six bearskin rugs decorated the house, and Sam claimed to have killed the bears.



## Broad pronoun reference problem:

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- Watch out for the pronouns “this,” “which,” “that,” and “it” when they do not have a clear antecedent. They should not be used to refer back to an entire idea or situation.

# Examples

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- ❑ Incorrect:
- ❑ Even if Mr. Smith's testimony about possible embarrassment is adequate to justify a damage award, emotional harm is difficult to quantify. This makes it unlikely that Mr. Smith will receive any substantial recovery.
- ❑ Corrected:
- ❑ This difficulty makes it unlikely that Mr. Smith will receive any substantial recovery.

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- Incorrect:
  - Dr. Mullendore failed to remove Mrs. Boone's fallopian tube, which resulted in the birth of a baby.
  - Correct:
  - Dr. Mullendore's failure to remove Mrs. Boone's fallopian tube resulted in the birth of a baby.

# Keys to using pronouns correctly

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- 3. Pronoun must agree in number with its antecedent.
- *In other words,*
- singular nouns require singular pronouns; plural nouns require plural pronouns

## Trouble spots in pronoun agreement

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- *Generic nouns:*
- Incorrect:
- A defendant may claim that their rights were violated.
- Corrected:
- Defendants may claim that their rights were violated. OR
- A defendant may claim that his or her rights were violated.

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- *Collective nouns:*
  - “Court,” “jury,” “family,” “board,” take singular pronouns.
  - Incorrect:
  - The jury must not be misled about Lee’s credibility when they consider his testimony.
  - Correct:
  - The jury must not be misled about Lee’s credibility when it considers his testimony.

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- ❑ Incorrect:
  - ❑ After the court concludes the evidence is relevant, they can assess its probative value.
  - ❑ Correct:
  - ❑ After the court concludes the evidence is relevant, it can assess its probative value

# Practice

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- F. Two brothers, Earl and Mason Hargrove, own two lumber yards. They are both financially stable.
- F. Both lumber yards are financially stable.
- OR
- F. Both brothers are financially stable.



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- ❑ G. The Washington State Constitution forbids in-court questioning of a witness about their religious beliefs. This is repeated in Washington Rule of Evidence 610.
  - ❑ G. The Washington State Constitution forbids in-court questioning of witnesses about their religious beliefs. This prohibition is repeated in Washington Rule of Evidence 610.

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- H. The appellate court upheld the trial court's verdict, stating that they found no manifest abuse of discretion.
  - H. The appellate court upheld the trial court's verdict, stating that it found no manifest abuse of discretion.
  - **Remember:**
  - **A court is an "it," not a "they."**

# III. Modifiers

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- **Modifiers** are words that limit or qualify the meaning of other words.
- Modifiers are usually adjectives or adverbs (or phrases acting as adjectives or adverbs).

# Keys to using modifiers

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- 1. Keep modifiers as close as possible to the words they modify.

Notice how moving “only” changes the meaning of the following sentences.

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- ❑ Only the defendant thought that the car was rented.
- ❑ The defendant only thought that the car was rented.
- ❑ The defendant thought that the only car was rented.
- ❑ The defendant thought that the car was only rented.

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- *Note the difference in these sentences:*
  - The defendant owned a cabin with his brother in New Hampshire.
  - The defendant owned a cabin in New Hampshire with his brother.

# Keys to using modifiers

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- 2. Make sure the words they modify are in the same sentence as the modifiers.

# Dangling Modifiers

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- ❑ **Dangling modifiers** do not have a word they are attached to in the sentence.
- ❑ Dangling modifiers often (not always) come at the beginning of sentences and have an “ing” ending.
- ❑ *Chart for correct modifier:*
- ❑ “ing” modifier, [key noun]\_\_\_\_\_.
- ❑ Note that dangling modifiers are often, though not always, stated in passive voice.



# Examples

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- ❑ Incorrect:
- ❑ In using the balancing test, whether the defendant testified at the prior trial must be considered.
- ❑ Correct:
- ❑ In using the balancing test, the court must consider whether the defendant testified at the prior trial.

# Example

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- ❑ Incorrect:
- ❑ While petitioning for a permit, zoning regulations for the area were changed.
- ❑ Corrected:
- ❑ While petitioning for a permit, the mental institution learned that zoning regulations for the area were changed. OR
- ❑ While the mental institution was petitioning for a permit, zoning regulations for the area were changed.

# Practice

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- I. The victim described her attacker as having a tattoo on his right buttock in the shape of a peace sign.
- I. The victim described her attacker as having a tattoo in the shape of a peace sign on his right buttock.

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- J. Wedged in a crack in the sidewalk, Mrs. Harris found the ring.
  - J. Mrs. Harris found the ring wedged in a crack in the sidewalk.

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- K. In determining what constitutes “appreciable time,” a specific or standard amount of time has not been clearly defined by the courts.
  - K. In determining what constitutes “appreciable time,” the courts have not clearly defined a specific or standard amount of time.

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- L. Some states hold that one is not responsible for one's acts while in certain mental states, such as Alabama.
  - L. Some states, such as Alabama, hold that one is not responsible for one's acts while in certain mental states.

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- M. Sagging and needing a new coat of paint, Mr. Preston hired our client.
  - M. Because his home was sagging and needing a new coat of paint, Mr. Preston hired our client. OR
  - M. Mr. Preston hired our client because his home was sagging and needing a new coat of paint.

# IV. Verbs/Subject-Verb Agreement

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- **Singular** subjects take **singular** verbs, and **plural** subjects take **plural** verbs.
- Example:
  - The law requires that all drivers wear seat belts.
  - The immigration laws require that all workers provide proof of citizenship before starting a job.



# Separation of Noun and Verb

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- When other words, particularly nouns, come between a subject and its verb, subject and verb still must agree.

# Example

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## ❑ Incorrect:

- Custom-made towels imprinted with the hotel's logo satisfies the requirement that the goods be specially manufactured.

## ❑ Correct:

- Custom-made towels imprinted with the hotel's logo satisfy the requirement that the goods be specially manufactured.

# Subjects Joined by “And”

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- Subjects joined by “and” are plural, even if one or all of the subjects are singular.

# Example

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## □ Incorrect:

- North Star Cinema and Highland Heights Theater questions the validity of the admissions tax.

## □ Correct:

- North Star Cinema and Highland Heights Theater question the validity of the admissions tax.

# Exception

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- If two or more parts of the subject make up one idea or refer to one person or thing, use a singular verb.
- Example:
  - His wife and beneficiary was the only person mentioned in the will.

# Subjects Joined by “Or” or “Nor”

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- Subjects joined by “or” or “nor” take verbs that agree with the part of the **subject closest to the verb.**

# Example

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## □ Incorrect:

- Neither Horizon Telecommunications nor Lazar Television are the type of enterprise that the bulk sales statutes seek to regulate.

## □ Correct:

- Neither Horizon Telecommunications nor Lazar Television is the type of enterprise that the bulk sales statutes seek to regulate.

# Practice

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- N. The defendant's statement to the police, as well as her testimony, suggest that her actions were premeditated.
- N. The defendant's statement to the police, as well as her testimony, suggests that her actions were premeditated.



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- O. The defendant's statement to the police and her deposition suggests that her actions were premeditated.
  - O. The defendant's statement to the police and her deposition suggest that her actions were premeditated.

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- P. Neither the defendant's testimony nor her deposition suggest her actions were premeditated.
  - P. Neither the defendant's testimony nor her deposition suggests her actions were premeditated.

# Sentence Fragments

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- **Sentence fragments** are incomplete sentences.
- Often, incomplete sentences are missing the main verb.
- **Verbals**—gerunds, participles and infinitives—cannot serve as a main verb.

# Example

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## ❑ Incorrect:

- The attorney objecting to the line of questioning.

## ❑ Correct:

- The attorney objects to the line of questioning.
- The attorney objected to the line of questioning.
- The attorney objecting to the line of questioning rose to her feet.

# Subordinate Clauses

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- If you take any main clause and add a word like “although”, “until”, or “when” in front of the clause, you have created a **subordinate clause**.
- Sometimes, subordinate clauses appear to pose as sentences.

# Example

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- Main clause:
  - The attorney objects to the line of questioning.
- Subordinate clause:
  - **Until** the attorney objects to the line of questioning.
- Correction:
  - Until the attorney objects to the line of questioning, the judge will not rule.

# Practice

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- Q. Even if the jury finds the defendant innocent.
- Q. Even if the jury finds the defendant innocent, his reputation is damaged forever.

# Permissible Uses of Incomplete Sentences

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- In issue statements or questions presented beginning with **whether**
- As **answers to questions** in the answer section of a brief
- In **exclamations** (only in quoted dialogue)
- For **stylistic effect** (Rare)
- As **transitions** (Rare)



# Examples

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- *Issue statement:* Whether the defendant established minimum contacts with the state of Colorado by operating an Internet site.
- *Answer:* Probably not. The defendant did not, through a single Internet-based sale, establish ongoing relationships with residents of Colorado, such that he may be subject to personal jurisdiction in the state.

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- *Exclamations:* The victim screamed, “Help!” when he was being pursued by the defendant.
  - *Stylistic effect:* It may have been unavoidable, but it still took courage. More courage than most of us would have had.
  - *Transitions:* First, the truth. (to introduce first paragraph). Again, the truth. (to introduce second paragraph).

# Usage

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- Be sure to review the following pairs in the Glossary of Usage in *Just Writing* or in the Writing Tips.
  - affect/effect
  - it's/its
  - principle/principal
  - infer/imply
  - who/whom

# Affect vs. Effect

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- **affect** (verb) “to influence”
- **effect** (noun) “the result”
  - (verb) “to bring about”
  
- Crying will not affect the judge; a good argument is more likely to have the desired effect. (affect as a verb; effect as a noun)
- The mediator successfully effected an agreement between the two brothers. (effect as a verb)

# Principal and Principle

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- **principal** (adjective) “main” or “primary”
- **principal** (noun) “head person or official”
- **principle** (noun) “standard,” “rule,” “doctrine”
- The principal issue in this case is whether the defendant acted carelessly.
- James Jackson is the principal of the school.
- The principle of negligence is well founded in the law.

# Imply and Infer

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- **imply** “to indicate, suggest, express indirectly”
- **infer** “to deduce, conclude, gather”
- Another way to look at this: You “imply” something when you are the communicator; you “infer” something when you are the recipient of the communication.
- The realtor implied that there was another buyer; my client inferred from the advertisement that the property had beach access.

# It's Versus Its

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- **It's/Its.** The simple rule is as follows: if you mean "it is" or "it has," use "it's" with an apostrophe. Otherwise, always use "its."
- The defendant said, "It's true. I lied." (or "It is true. I lied.")
- The president of the company explained its accounting policies.

# Who and Whom

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- ❑ **Who/whom:** Use **who** in most subject positions; use **whom** in most object positions.
- ❑ Try turning the clause in which who or whom appears into a more straightforward sentence, and substitute a personal pronoun for who or whom. If the correct substituted pronoun would be "he," "she," or "they," use **who**; if the substituted pronoun would be "him," "her," or "them," use **whom**.
- ❑ The lawyer represented a man who he thought was guilty. (The lawyer thought **he** was guilty, so **who** is correct.)
- ❑ The man whom the lawyer represented was guilty. (The lawyer represented **him**, so **whom** is correct.)



# And one spelling word

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- The correct spelling is **judgment**. Do not make the mistake of spelling it “judgement.”

# Thanks for coming!

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- If you have any questions, please e-mail Kate Stoker at [writingclinic@law.du.edu](mailto:writingclinic@law.du.edu)