

Grammar is not a set of rules; it is something inherent in the language, and language cannot exist without it. It can be discovered, but not invented.

Charlton Laird

*The Miracle of Language* (1953)

# chapter 1

## Grammar



### StyleLinks

**[www.gpoaccess.gov/stylemanual/index.html](http://www.gpoaccess.gov/stylemanual/index.html)**

The Government Printing Office *Style Manual* is one of the most widely accepted manuals on English usage. The entire *Style Manual* is available at this site.

**<http://owl.english.purdue.edu/owl>**

Purdue University's Online Writing Lab offers excellent information on grammar as well as exercises and answer keys.

**<http://grammar.ccc.commnet.edu/grammar>**

The site provides an excellent and thorough *Guide to Grammar & Writing* offered by Capital Community College. Numerous interactive quizzes are designed to test knowledge.

**[www.fas.harvard.edu/~wricntr](http://www.fas.harvard.edu/~wricntr)**

Harvard University's Writing Center provides useful information about grammar, punctuation, and writing, as well as links to other writing resources (including ESL resources).

**[www.kentlaw.edu/academics/lrw/grinker/LWTA.htm](http://www.kentlaw.edu/academics/lrw/grinker/LWTA.htm)**

Subtitled *The Law Student's Guide to Good Writing*, this excellent website offered by Professor Mark A. Grinker of Chicago-Kent College of Law provides explanations and examples of rules of grammar, punctuation, and good writing. Exercises and answers are provided.

**<http://law.case.edu/faculty/friedman/raw>**

The website "RawData" offers excellent information about legal writing together with numerous links to other excellent writing sites. Select "Writing."

## A. Introduction

We use correct grammar to communicate clearly. Don't let the traditional rules of grammar and its incomprehensible terms (such as *pluperfect* or *subjunctive*) intimidate you. You do not need to know the names of the parts of speech to be a good writer, just as you do not need to know all the parts of a microwave oven to be a good cook.

## B. Sentence Fragments

The sentence is the cornerstone of all writing. A well-written sentence conveys information to the reader. A poorly written sentence causes confusion and ambiguity. Legal writing is more formal than many other kinds of writing, and an incomplete sentence in a legal document will be noticed immediately. Thus, although you may see sentence fragments in novels and other types of writings, they are not acceptable in legal writing.

Sentence fragments (also called *incomplete sentences*) are usually caused by the failure to include a subject and a verb in a sentence. Fragments also occur when writers assume that a *dependent clause* (one that cannot stand on its own) is a sentence by itself.

To remedy sentence fragments:

- Attach the fragment to an adjacent complete sentence (usually by correcting punctuation); or
- Make the dependent clause or fragment into a complete sentence.

### Sentence Fragments

The plaintiff pointed to the defendant. The man who was wearing the red tie.

I proposed two changes. Revising section one and omitting section four.

The plaintiff was late for the hearing. Which infuriated the judge.

### Corrections

The plaintiff pointed to the defendant, who was the man wearing the red tie.

I proposed two changes: revising section one and omitting section four.

The plaintiff was late for the hearing, which infuriated the judge.

or

The plaintiff was late for the hearing. This tardiness infuriated the judge.

## C. Run-On Sentences

In many ways, a run-on sentence is the opposite of a sentence fragment. A run-on sentence combines two sentences into one. There are two causes of a run-on sentence:

- A comma joins two main clauses (this type of run-on sentence is usually called a *comma splice*); or
- No punctuation joins two main clauses (this type of run-on sentence is sometimes called a *fused sentence*).

Fix these sentences by inserting the correct punctuation (usually a semicolon, if the two clauses are closely related) or by making the clauses into separate sentences. In many cases, a comma splice can be fixed by using a coordinating conjunction (the words *and*, *but*, *for*, *nor*, *or*, *so*, and *yet*) after the comma.

### Comma Splices

Please have the paralegal edit the complaint, it must be filed today.

The defendant was early for the trial, his attorney was not.

### Corrections

Please have the paralegal edit the complaint; it must be filed today.

or

Please have the paralegal edit the complaint. It must be filed today.

The defendant was early for the trial, but his attorney was not.

or

The defendant was early for the trial. His attorney was not.

### Fused Sentence

The jurors were deadlocked they could not reach a verdict.

### Corrections

The jurors were deadlocked; they could not reach a verdict.

or

The jurors were deadlocked. They could not reach a verdict.

## Challenge Sentences

Rewrite the following to correct them.

- He was not prepared for trial. If you want my opinion.
- He summarized the transcript. Because his supervisor told him to.
- Blake drafted the brief. Which was longer than the court rules allowed.
- The attorney drafted the complaint, he included both causes of action.
- Ask the clerk to file the answer, it must be filed by Friday.

## D. Subject-Verb Agreement

A subject must agree with its verb. Singular subjects correspond with singular verbs (as in *The plaintiff is testifying*) and plural subjects must correspond with plural verbs (as in *The plaintiffs are testifying*).

Most problems in subject-verb agreement occur when:

- A subject has more than one word;
- The subject is an indefinite pronoun (such as *everyone*);
- The subject is a collective noun (such as *committee*); or
- Words or phrases intervene between the subject and the verb.

### 1. Multiple-Word Subjects

- Rule One: Subjects joined by *and* usually take a plural verb.**

#### Incorrect

The judge and the jury was unpersuaded by the witness's testimony.

#### Correct

The judge and jury were unpersuaded by the witness's testimony.

**Tip**



Try mentally replacing multiple-word subjects with the word *they* to determine the correct verb, as in *They were unpersuaded by the witness's testimony.*

**Exception to Rule One:** When the parts of the subject describe a singular idea or are thought of as a unit, they are singular and take a singular verb, as in *Macaroni and cheese is my favorite lunch.*

- Rule Two: Singular subjects joined by *or* or *nor* usually take a singular verb.**

#### Incorrect

Neither the defendant nor his counsel were prepared.

#### Correct

Neither the defendant *nor* his counsel was prepared.

- Rule Three: Plural subjects joined by *or* or *nor* take a plural verb.**

#### Incorrect

Either the records or the receipts is missing.

#### Correct

Either the records *or* the receipts are missing.

- Rule Four: When the subject is composed of a singular word and a plural word, the verb should agree with the nearer word.**

#### Correct

The jurors and the *judge* has left.

Note, however, that sentences such as these “sound” better with plural verbs; thus, try to place the plural subject nearer to the verb.

### Better

The judge and the jurors *have* left.

- Rule Five: When a compound subject is preceded by the words *each* or *every*, the verb is usually singular.**

### Correct

*Each* plaintiff, defendant, and witness was present in the courtroom.

## 2. Indefinite Pronouns

Indefinite pronouns are pronouns that do not refer to a specific person or thing. Many of them end in *-one* or *-body*.

Indefinite pronouns can be singular or plural. Singular indefinite pronouns take singular verbs and plural indefinite pronouns take plural verbs. Following are some common indefinite pronouns:

### Singular Indefinite Pronouns

anybody  
anyone  
each  
either  
every  
everybody  
everyone  
neither  
nobody  
no one  
somebody  
someone  
something

### Plural Indefinite Pronouns

both  
few  
many  
several

### Correct Examples

- *Each* of the complaints *alleges* malpractice.
- *Everyone* in the courtroom was seated.
- *No one* was absent from the board meeting.
- *Many* of the documents *were* missing from the file.
- *Both* contracts *contain* errors.
- *Neither* of the plaintiffs *lives* in the county.

## 8 Chapter 1: Grammar

**Caution:** A few indefinite pronouns (*all, any, more, most, none, and some*) can be singular or plural depending on the word to which they refer.

### Correct Examples

- All the board *members* were present for the meeting.
- All the *money* is counted.
- Some *documents* were missing.
- Some of the *jewelry* was appraised.

## 3. Collective Nouns and Company Names

Collective nouns are nouns that stand for a group of people or things, such as *committee, corporation, crowd, evidence, jury, staff, and team*. These collective nouns are usually singular because they refer to the group as a unit and they thus take singular verbs. The word *court* is also viewed as a collective noun (even when there is only one trial judge), and it is always treated as a singular word. Similarly, organizational names (General Electric Company or Starbucks Corporation) are usually treated as singular.

### Incorrect

The jury have adjourned to deliberate.

The evidence show probable cause.

The court have decided the case.

The board of directors have passed a resolution.

Starbucks are holding their annual meeting today.

### Correct

The jury has adjourned to deliberate.

The evidence shows probable cause.

The court has decided the case.

The board of directors has passed a resolution.

Starbucks is holding its annual meeting today.

If you wish to discuss the individuals that compose the unit, use the following forms:

### Correct

The jurors have adjourned to deliberate.

The members of the court have decided the case.

The members of the board of directors passed a resolution.

Note, however, that in British usage, collective nouns are usually treated as plurals, and thus it would be common to read *The team are playing at home today*.