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DO SOME SPRING-CLEANING: THROW OUT GRAMMAR MYTHS

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I love springtime—the birds returning, the flowers growing, the sunshine warming my face. I also love springtime because it gives me a legitimate excuse to simplify my life. I can throw out everything that has bogged me down all winter. I can donate the sweater I haven't worn in two years and toss everything useless in the garbage. (I can also organize all my grammar books and style guides, but that's a topic for another column.)

Unfortunately, many legal writers are bogged down by

useless grammar myths: suggestions that they learned as “rules” early in their schooling. We all sat in an elementary school desk long ago and learned how to compose in English. Unfortunately, many stu-



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dents learned what were *suggestions-to-help-them-become-more-sophisticated-and-better-writers* as *rules-never-to-be-broken*. Here are my top five “rules” you should throw out as you do your spring cleaning.

You can't begin sentences with “and” or “but”

You can. Grammar teachers likely taught us to never begin a sentence with these conjunctions early on, as we were learning to write complete, formal sentences. Sentences that begin with a conjunction are grammatically correct, and many great legal writers, from Oliver Wendell Holmes to Richard Posner, use conjunctions as sentence-starters.

Yes, when used in excess beginning a sentence with “and” or “but” can lead to monotony or a sentence error. Consider this: *The plaintiff filed a complaint. And the defendant filed an answer. And then he filed a motion to dismiss. And then a motion for summary judgment.* That would make any reader want to tear her hair out—it reads like a machine gun firing in your head.

Used appropriately, though, beginning sentences with conjunctions lends life to your writing. A well placed “and” at the



beginning of a sentence can add force to your idea. And a “but” can give your writing simplicity and directness.

You can't begin a sentence with “because”

Grammar teachers likely got tired of students creating fragments by placing a period in front of “because,” so they taught us that sentences couldn't begin with “because.” But they can. (Notice the “but” as sentence-starter?)

We all know fragments can be painful. Consider this:

The defendant argued summary judgment was appropriate. Because there were no genuine issues of material fact.

This fragment can be easily fixed without resort to the “rule”—remove the period. *The defendant argued summary judgment was appropriate because there were no genuine issues of material fact.*

The sentence still works if you reverse the clauses: *Because there were no issues of material fact summary judgment is appropriate.* In fact, this fix creates a more powerful sentence by giving the reason first and removing excess words.

You can't write one-sentence paragraphs

Why not?

Sure, long ago we each sat at a desk and learned about paragraph development, topic sentences, and organization. Because our grammar teachers wanted to make sure they didn't have to read a stack of papers full of single-sentence paragraphs, they created the “rule” that paragraphs must have multiple sentences.

As professional writers we no longer need this limit. Sure, if you produced a long legal document full of one-sentence paragraphs, your writing would appear elementary and undeveloped. On the other hand, the occasional single-sentence paragraph can form a natural transition between ideas or create emphasis. Other

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professional writers use this technique to their advantage, so feel free to deliberately throw the occasional, strategic single-sentence paragraph into your writing.

You can't end a sentence with a preposition

No matter how dutifully you memorized prepositions and learned to never place them right before the period, ending your sentence with a preposition is perfectly acceptable.

Wondering where this “rule” comes from? (See, you didn't cringe; this construct is natural in English.) It derives from the desire to match English rules to Latin rules, and in Latin a preposition cannot come after the word it governs. In English, however, strict adherence to this “rule” leads to absurd results.

Take, for instance, Winston Churchill's famous quote: *“That is the type of arrant pedantry up with which I will not put.”* Churchill made his point. Certainly, ending the sentence with “with” would not hurt nearly as much as the convoluted construction. The sentence is much better

when rewritten: “That is the type of arrant pedantry I will not put up with.”

In many sentences the preposition is part of a phrasal verb or is simply necessary to avoid creating a stilted sentence. For instance, *I’ve read so many single-sentence paragraphs I feel like throwing up*. Or, *What are you waiting for?* Don’t, however, end a sentence with a preposition when the sentence would have the same meaning without the preposition. Take, “*Where’s the library at?*” The “at” is incorrect because “*Where’s the library?*” has the same meaning without the “at.”

You can’t split infinitives

This “rule,” like the prohibition on ending sentences with a preposition, derives from the desire to make English more like Latin. In Latin, and many modern languages, infinitives cannot be split (lire, escribir). This is not the case in English.

Quick grammar lesson: an infinitive is any form of a verb preceded by “to.” For example, “to write” or “to edit.” A split infinitive comes when you place an adverb between the “to” and the root verb.

“Really to understand the law” does not contain a split infinitive, but “to really understand the law” does.

Of course, changing the placement of the modifier can change the meaning of a sentence. Consider these examples:

The attorney decided to flatly state her best argument.

The attorney decided to state flatly her best argument.

The lawyer is being definitive in the first example. She is simply dull in the second.

So, strict adherence to this “rule” can lead to awkward constructions, and it can also lead to “squinting” modifiers and, thus, ambiguity. Take for instance this sentence. *Safeguards should be provided to prevent effectually cosmopolitan financiers from manipulating reserves*. Here, “effectually” could modify either “to prevent” or “cosmopolitan financiers.” If the writer meant it to modify the verb, then splitting the infinitive would avoid the ambiguity and confusion created by following this “rule.”

Once you free your writing from these myths, your writing will be less bogged

down and flow better. Of course, I offer one caveat: if your audience considers these “rules” as “rules-never-to-be-broken” follow them to a tee. If you manage to prune these myths, expect to see new growth in your writing. Ah, spring.

Sources

Bryan A. Garner, *Garner on Language and Writing* 63-87 (2009).

Terri LeClerq, Advice to Practitioners about Writing Advice, Presentation at the 14th Biennial Conference of the Legal Writing Institute (June 29, 2010) (handouts on file with author).

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