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Pronoun Problems Part I

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PRONOUN PROBLEMS, PART 1

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For some reason, lawyers are unable to resist the urge to write long, complex, meandering sentences. Only the most astute of sentence diagrammers can accomplish this feat without interjecting an errant pronoun that creates confusion for the reader. Because most of us have better things to do with our time than diagram every sentence we write, writing shorter sentences and paying a little attention to pronoun usage can help avoid confusion.

Writers use pronouns to keep their writing from becoming boring and repetitive. Consider this example: *The lawyer had to get photographs of the accident admitted into evidence before using the photographs of the accident to cross-examine the witness.* Ouch! It's much easier to read this sentence with pronouns: *The lawyer had to get the photographs of the accident admitted into evidence before using them to cross-examine the witness.*

Here's your bit of grammar refresher for this month. Pronouns replace nouns, and the nouns they replace are called antecedents. Readers must be able to logically connect antecedents to their pronoun. And, pronouns need to agree with their antecedent in number, gender, and person. Most legal writers don't have problems making pronouns agree with their antecedents in gender. Number and person can be a little trickier. If your sentence is confusing, there may be a problem with the antecedent and there may be a problem with the pronoun – so I'll talk about each.



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Problems with antecedents

Pronouns must clearly and specifically relate to their antecedents. As the writer, you understand perfectly well who or what a pronoun refers to because you wrote the sentence. The relationship might not be so clear to the reader; this is called an ambiguous antecedent. Problems with ambiguous antecedents arise when a writer uses multiple antecedents or implied antecedents.



Multiple Antecedents: Technically, an antecedent is the noun that precedes the pronoun most closely. Readers are likely to become confused when two possible antecedents agree in gender and number with a single pronoun.

The attorney handed the exhibit to the clerk; she then asked the judge to enter it into evidence.

Technically, *she* refers to the clerk in this sentence, because *clerk* is the noun closest to the pronoun *she*. Putting technicalities aside, *she* could logically refer to the attorney. Because a reader is not likely to diagram your sentence, it is up to you to clarify this for the reader. One easy solution is to remove the pronoun entirely and rearrange the sentence.

After handing the exhibit to the clerk, the attorney asked the judge to enter it into evidence.

Pay special attention whenever you use the pronouns *it*, *this*, *that*, and *which* because it's very easy to use them in a vague way.

After comparing the witness's testimony with the exhibit, the jury disregarded it.

What does *it* refer to? The testimony or the exhibit? To fix this ambiguity, restate the antecedent rather than using a pronoun.

After comparing the witness's testimony to the exhibit, the jury disregarded the witness's testimony.

Implied Antecedents: Pronouns must have an antecedent. To make things in-

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teresting, the antecedent can appear in the same sentence or the previous sentence; however, the antecedent cannot be implied. (Unless, of course, the pronoun is one that is so obvious it doesn't actually require an antecedent: you, I, everyone, no one).

After the verdict was returned, the attorney thanked them.

Them is not so obvious that it does not require an antecedent. In this example, the writer incorrectly created an implied antecedent so the reader must make a mental leap, guessing from a world of possibilities what the pronoun might logically refer to: the lawyer's clients, her family, the media, the jury, or courtroom personnel. The fix for this is having an actual antecedent in your sentence:

After the jurors returned a verdict, the attorney thanked them.

Even worse than having an implied antecedent is combining an implied antecedent with a pronoun that technically matches the existing antecedent, but produces a nonsensical result. I know, it's getting confusing – this example should help:

Travis had always been intrigued by lawyers and judges. After sitting on a jury, he decided he wanted to become one himself.

Here, the pronoun *one* technically refers to a jury, but it does not make sense that Travis wants to become a jury. Rather, Travis wants to become something else based on his experience on the jury: a judge or a lawyer? The reader has no way of knowing and, in order to make sense of the sentence, the reader must realize that the result is nonsensical, disregard that result, and then search for the correct antecedent. While your readers might be able to glean the antecedent from the context, they shouldn't have to work that hard. The best solution is to omit the pronoun and just be clear:

Travis had always been intrigued by lawyers and judges. After sitting on a jury, he decided he wanted to become a judge.

Problems with pronouns

Even if your sentence contains a clear antecedent, the reader can still be confused if you use the wrong pronoun. Most mistakes come when pronouns don't agree with their antecedents in number, using a plural pronoun when a singular is called for or a singular pronoun when a plural is called for. Watch out for ambiguous pronouns when you use collective nouns or indefinite pronouns.

Collective nouns: These nouns are groups of people that function as one unit — association, business, crowd, corporation, jury. These nouns are singular and must take on a singular pronoun.

The jury is returning their verdict.

Who is *their*? The only noun in this sentence is *jury*. A jury is one thing, even if it's made up of many people. The sentence should read: *The jury is returning its verdict.*

Indefinite Pronouns: Problems with number can also come when we use indefinite pronouns as antecedents. Indefinite pronouns don't refer to any specific person or thing: *anybody, both, each, everyone, few, much, neither, one, others, several*. Even though these pronouns are indefinite, the rule doesn't change: Use a singular pronoun to refer back to a singular indefinite pronoun and use a plural

pronoun to refer back to a plural indefinite pronoun.

Something about our witness seemed to bother the jury; I'm not sure what it was.

Something is an indefinite pronoun that serves as the antecedent in the sentence. Because it is singular, use the singular pronoun *it* to refer back to the *something*.

Few of the jurors kept notes; instead they relied on their memory.

Few is an indefinite pronoun that serves as the antecedent in this sentence. Because it is plural, use the plural pronoun *they* to refer back to *few*.

Now to get really advanced, there are some indefinite pronouns can be either singular or plural: *all, any, more, most, none*, for example. When these indefinite pronouns are used as antecedents, you determine the proper pronoun to use based on whether the indefinite pronoun is replacing a mass noun or a counting noun.¹

When indefinite pronouns are used to replace counting nouns, then a plural pronoun should be used:

All of the witnesses were credible, and they told a convincing story.

Any of the litigants could refuse an interview; it's their right.

More of the jurors were inclined to acquit, and they persuaded the rest.

Most of the law students agreed; they needed more sleep.

None of the defendants commented; they were all tight-lipped.

But, when indefinite pronouns are used to replace mass nouns, then a singular pronoun should be used:

All of the argument was confusing; I could not understand it.

Any empathy can be overcome if you address it properly.

While your readers might be able to glean the antecedent from the context, they shouldn't have to work that hard.

Most of her presentation was flawless; I enjoyed it.

More of the offer was appealing than not, so I accepted it.

None of the tension left the room; you could feel it.

Conclusion

Pronouns don't have to create headaches or keep us from writing clear, concise sentences. Just remember these few simple rules, and your meaning will shine through for the readers.

About the Author

Tenielle Fordyce-Ruff is a partner at Rainey Law Office. Her practice focuses on civil appeals. She was a visiting professor at University of Oregon School of Law teaching Legal Research and Writing, Advanced Legal Research, and Intensive Legal Writing and, prior to that, clerked for Justice Roger Burdick of the Idaho Supreme Court. While clerking for Justice Burdick, she authored *Idaho Legal Research*, a book designed to help law students, new attorneys, and paralegals navigate the intricacies of researching Idaho law. You can reach her at tfr@raineylawoffice.com.

Sources

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Endnotes

¹ I addressed mass and counting nouns in "Confusing Word Pairs." This article is available in the January 2012 edition of *The Advocate*, and you can find it online at <https://isb.idaho.gov/pdf/advocate/issues/adv12jan.pdf>