THE LEGAL WRITER

Don’t Leave Your Readers Hanging by Overusing the Wrong Tense

The Progressives, Past and Present

By Elizabeth Ruiz Frost

When you hear the word progressive, I bet you immediately think of Theodore Roosevelt’s Bull Moose Party. No? How about car insurance? Well, in addition to those, the word progressive describes a verb tense.

The past progressive and its current cousin, the present progressive (also known as the continuous tenses), are commonly used and misused verb tenses that describe what was or is happening. These tenses are created by combining a form of the verb to be with a present participle of a verb (an “-ing” word). For example, “I was hoping a column on the progressive wouldn’t be too dull,” and “it is, but I am enjoying it anyway” are written in the past and present progressive tenses in a little more detail, starting with the present tenses.

The Present Tenses: Progressive and Simple

The present progressive and present simple tenses overlap, but they are not interchangeable. The present progressive can describe a present condition in a few ways. It can describe 1) something that’s happening right now, 2) a temporary condition or 3) a new or temporary habit.

Here are some examples of sentences with verbs written in the present progressive tense that describe current action:

It is raining in Eugene. (This is happening at the moment.)

Becky is volunteering for his campaign. (This is a temporary condition, e.g., she’s only doing it during her summer break.)

Simone is working late these days. (A new or temporary habit; Simone doesn’t usually work late.)

Contrast each of these examples with its counterpart in the present simple tense. The meaning is not the same.

It rains in Eugene.
Becky volunteers for his campaign.
Simone works late.

When written in the simple present, the writer connotes that these conditions are permanent (or, at least, will continue for a long time). That is, it always rains in Eugene; Becky has a long-standing gig volunteering for that campaign; and Simone always works late. The present simple tense is better for describing long-lasting conditions. The conditions don’t have to be permanent and absolute (i.e., the is in “climate change is real”), but they’re more permanent than the present progressive would connote.

Writers tend to get these mixed up, particularly in less-formal writing. They frequently use the present progressive when they ought to use the present simple tense. Here’s an example of a present progressive sentence that should be in the simple present tense:

The defendant is saying that the exception applies to her.

Unless the writer is describing something happening at that very moment (say, live-blogging a debate), she should write, “The defendant says that the exception applies to her.” While the defendant’s statement will not actually go on forever, which may tempt the writer to write it in the progressive, the claim is not a temporary condition or action that warrants the present progressive.

In addition to using the present progressive to describe current events, a writer can use the present progressive to describe a future event. For example, one could say, “We are leaving at dawn.” The writer simply needs to add a word or two about timing to differentiate the immediate present from the future (e.g., “at dawn” in that last sentence, or “next week”). Without the added words about timing, “we are leaving” would suggest the action is happening right now, in the present.
When describing future events, the contrast between the present progressive and present simple tenses isn’t as stark as it is when describing current events. In fact, both tenses can be used somewhat interchangeably in some instances. A writer can use the simple present tense to describe future events, but those future events are limited to scheduled events. For example, a writer can say, “we leave on Tuesday” or “trial starts next week.”

These present simple sentences really are interchangeable with sentences written in the present progressive tense. That is, “we leave on Tuesday” means the same thing as “we are leaving on Tuesday” and “trial starts next week” means the same thing as “trial is starting next week.” A few other verbs that can be used in the present to connote the future are depart, leave, start, finish, end, open, close and begin.

When a writer uses the simple present with verbs other than those listed above to connote a future event, the result is a bit odd, though not grammatically incorrect. Try it. “We dance at dawn” sounds a bit dramatic, right? In fairness, “we are dancing at dawn” is not something I’ve ever said either. Insert just about any non-scheduling verb into that sentence construction, and it’ll sound like a challenge to a duel or a password to get into an illicit speakeasy. “The owl hoots at midnight” will get you past the line at any club in the country. Try it, and tell them Liz sent you.

Past Progressive

Just as the present progressive and present simple aren’t interchangeable, the past tenses serve different purposes, too. The past progressive tense indicates a continuous action that happened in the past. That is, the past progressive doesn’t merely describe something that happened in the past; it describes an ongoing event from the past. The past progressive is usually created by combining a “to be” verb in that sentence construction, and it’ll sound like a challenge to a duel or a password to get into an illicit speakeasy. “The owl hoots at midnight” will get you past the line at any club in the country. Try it, and tell them Liz sent you.

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etc.) Again, writers tend to use these two tenses interchangeably, but they do not serve the same function.

The past progressive is most often used to show that an action was ongoing or interrupted when something else happened. In those types of sentences, the past progressive action is usually cut off by a verb written in the preterite tense. Here are some examples of past progressive/preterite combination sentences:

I was grading papers when my pen exploded.

In that sentence, the continuous past action of grading papers was cut off by the discrete past event — the ink explosion. Contrast that with a sentence that uses only the preterite for both actions.

I graded papers when my pen exploded.

That sentence means that I started grading papers when my pen exploded. The second past event brought about the first, as opposed to cutting it off.

Here’s another example of the contrast between the two past tenses:

I was eating dinner at 7 o’clock.

I ate dinner at 7 o’clock.

The first sentence, written in the past progressive, suggests that dinner had started sometime before 7; the time in this sentence, though not an action, serves as an interrupter of the ongoing action of eating. The sentence sounds like a response to the question, “Where were you at 7?” The second sentence, written in the past simple tense, suggests dinner started at 7.

The confusion for some writers seems to arise when describing discrete past events. As I mentioned above, some writers use the past progressive interchangeably with the preterite. Here’s an example of a paragraph where the writer has failed to distinguish between the two.

Ms. Jones was driving herself home after work. As she was driving, she was reading email and sending text messages. When she reached the intersection, she was looking down as a car was coming from the left that hit her.

That might seem exaggerated, but I read it recently in student work. Here’s
Ms. Jones drove home after work. As she drove, she read her email and sent text messages. When she reached the intersection, she was looking down as a car came from the left and hit her.

In everyday conversation, we might not even blink when a speaker overuses the past progressive. Listen closely for a few days and notice how many times you hear someone misuse the past progressive in speech. It’s constant. In writing, however, it can be unsettling. When a writer overuses the past progressive, it creates an unwarranted suspense. Moreover, the reader mistakenly (but reasonably) deemphasizes the past progressive action.

A reader tends to read through all the past progressive as background, waiting for the main event — the interrupting past tense action. He reads, “She was walking, she was looking at her phone, she was texting …” and anxiously awaits the seemingly inevitable “when a shark jumped right onto the dock and ate her whole.” He will feel unsatisfied to learn that the background action was actually the main event. The passage seems unfinished. That was the sense I got when I read the paragraph above about Ms. Jones. I wondered what was coming next and felt hung out to dry when I realized that was the end of the story.

Conclusion
While there can be overlap between the progressive and simple tenses, and in some cases the differences are subtle, writers should select the correct tense with care. Subtlety and nuance matter in professional writing.

Endnote
1. While the past progressive is usually used to describe a continuous, interrupted event, it can be used to describe a continuous, ongoing event from the past (e.g., “I was running behind all week last week.”). There is no explicit interruption in that sentence, though the end of the week implies an interruption.

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