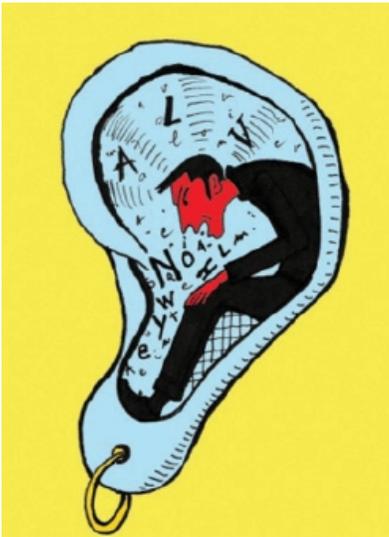


The Legal Writer

Back to Basics:

Subjects, Verbs, Complete Sentences and Active Voice

By Suzanne E. Rowe



After a particularly scintillating class discussion of passive voice, a student approached me with this confession: “Professor Rowe, I was never really taught grammar. So when you talk about subjects and verbs, I just don’t understand.”

To my credit, I did not faint. I might even have kept a calm face despite the anguish I felt inside. If this student didn’t understand subjects and verbs, then my scintillating explanation of passive voice had been useless.¹ And if this student (an above average writer) didn’t understand grammar basics, how many other students were just as lost?

Certainly many law students arrive at orientation already knowing grammar and writing beautifully. Law schools don’t provide remedial writing courses, assuming that everyone admitted to law school knows how to write well. Or at least knows the basics? Well, maybe not.

I don’t want to rail about our education system. Surely elementary schools, middle schools, high schools, colleges and universities have more pressing subjects to teach than the fundamentals of our language.² (Or perhaps I should have seen the writing on the walls when the term *grammar* school was replaced by *elementary* school.)

But anyone smart enough to get into law school (or to work for a lawyer — shout out to all of the secretaries and paralegals who read this column) can learn grammar. It must be taught.

I offer this introduction to grammar basics to my former student, to those of you whose education was similarly grammar-deprived and to those of you who work with anyone who could use a subtle refresher.

Nouns

As we learned with “Grammar Rock,” a noun is a person, place or thing.³

Person: *lawyer, secretary, judge, client, Mrs. Thomas, student, Mark, defendant, you, plumber.*

Place: *Oregon, courtroom, office, school, hallway, kitchen, bathroom.*

Thing: *document, computer, desk, plant, carpet, pot, toilet.*

The list of “things” extends beyond physical stuff to ideas, feelings and actions. The following are also nouns: *justice, philosophy, happiness, stress, jaywalking, cleaning*.

Nouns pop up all over the place in language. The following sentence has four nouns.

The secretary called the client, hoping to reschedule the appointment to the next day.

The nouns fill all types of roles in the sentence. *Secretary* says who is doing the action of the sentence (making *secretary* the subject). *Client* is the person who is receiving the action (making *client* the object of the verb). *Appointment* is what is the problem. *Day* is the period of time that is always too full.

Subjects

Subjects are special nouns, and not just because they went to elementary schools that made everyone feel special. Subjects are often the point of the sentence, saying whom the sentence is about or who is doing the action of the sentence. In English, we like for the subject to come near the beginning of the sentence and to appear before the verb (hang on — I’ll explain verbs next). Note the subjects in these sentences. If you’re feeling like a grammar whiz already, you can identify the other nouns that are filling other roles.

The judge told the prosecutor to sit down.

On Tuesdays, Donna waters the plants in her office.

The smartest brother became a plumber because he knew he’d always find work.

No peeking! Okay. Here’s the list of subjects: *judge, Donna, brother* and *he* (the last sentence has two independent clauses, each with its own subject). The other nouns in the sentences are *prosecutor, Tuesdays, plants, office, plumber* and *work*.

Verbs

Verbs are the driving force of the sentence. Verbs provide the action: *run, leap, skip, hop, write, cry, clean, ponder, travel*. Legal verbs include *advise, counsel, assist, file, mediate, argue, decide, rule, hold, appeal, reverse* and *affirm*. They aren’t quite as action-packed as *leap* and *skip*, but they still drive sentences.

Verbs have tenses, so they can show when the action took place.

Nicole skips to school every day.

Nicole is skipping to school right now.

Nicole skipped to school yesterday.

Nicole was skipping to school yesterday when she ran into her friend Gordon.

Nicole had skipped to school before she realized she’d forgotten her lunch box.

Nicole will skip to school until she decides skipping is undignified.

Not every sentence is about action, sad though that is. Some sentences simply describe, state, explain. The verb “to be” in all of its forms is one of the most common in English.

She is an excellent lawyer.

The prosecutor was surprised when the defendant decided to confess.

I am ecstatically happy when I read beautiful writing.

You will be a better writer if you understand basic grammar.

Sentences

Here’s the climax we’ve been building for (drum roll, please): a complete sentence contains both a subject and a verb. As this list shows, the subject typically comes before the verb.

The defense rested.

Law students should understand grammar.

My husband is a great cook.

A complete sentence is sometimes called an “independent clause” because it can stand on its own. Note what happens as each of these former sentences loses its ability to stand on its own.

As soon as the defense rested, the jury stirred anxiously.

While law students should understand grammar, many have not been taught the basics.

Because my husband is a great cook, I agree to wash the dishes.

A formerly complete sentence might become “dependent” (as in the examples above) for a number of reasons. One common reason is that a subordinating adverb has been tacked on. For ease of understanding, focus on the “subordinating” idea; subordinating words sap a sentence of its strength. They’re like kryptonite next to Superman. A “dependent clause,” no longer worthy of being called a sentence, must be propped up next to a complete sentence. In the three examples above, the “independent clauses” are *the jury stirred anxiously*, *many have not been taught the basics* and *I agree to wash the dishes*.

Both relaxed conversation and modern media make identifying complete sentences difficult. In answering the question, “Why do you agree to wash the dishes?” I can respond simply, “Because my husband is a great cook.” But that snippet that begins with “because” and ends with “cook” is not a complete sentence, and I wouldn’t include it in a formal document. National Public Radio, despite its many erudite contributions to humankind, is guilty of incomplete utterances daily: “This from the head of the World Bank.” That “sentence” has no verb; the emperor has no clothes!

Passive Voice

Back to my scintillating class discussion of passive voice. Writing is more alive when the subject of a sentence does the action of the verb. The classic example is *John kicked the ball*. In this example, *John* is the subject; *kicked* is the verb. The subject is the actor.

A sentence becomes passive when another noun — not the actor — is the subject of the sentence. *The ball was kicked by John*. In this construction, *ball* is the subject of the sentence, but it doesn’t do anything. It sits there passively, contributing no action. The reader has to get to the end of the sentence and do some mental gymnastics to figure out that the person actually doing something is *John*. The truncated example is even murkier: *The ball was kicked*. By whom? Where is the powerful actor? Off stage, anonymous, unknown.

Passive voice is a problem when used (by whom?) frequently and thoughtlessly. It adds bulk in unnecessary words. It hides actors.

Passive voice is helpful when the object (not the subject) is the point. If the whole story is about the ball, its early childhood, and its experience in the 2010 World Cup, maybe the key really is that the ball was kicked.

Passive voice is helpful in law when the writer wants to avoid assigning responsibility. Defense counsel may write, “The victim was stabbed.” The victim’s body demonstrates that stabbing occurred, but this sentence avoids saying exactly who did it. That’s for the prosecution to prove.

Conclusion

My student’s confession, “I was never really taught grammar,” used passive voice. It didn’t assign responsibility to the person who failed to teach this student about subjects, verbs, sentences and passive voice. I hope the student now proclaims, “Professor Rowe taught me grammar.” I’m happy to be the actor in that sentence.

Endnotes

1. If you are reading this article for guidance on the passive voice, you might be disappointed. Please refer to previous articles in this column: “Finding and Fixing the Passive Voice” (July 2007, by Megan McAlpin; www.osbar.org/publications/bulletin/07jul/legalwriter.html) and “The Beauty of the Verb” (October 2007, by Sam Jacobson; www.osbar.org/publications/bulletin/07oct/legalwriter.html).

2 My family is filled with middle school and high school teachers, and I appreciate the constraints on their work. This sentence is intended to goad administrators, government officials and taxpayers into better supporting schools and teachers.

3 Grammar Rock videos are widely available on YouTube. Providing inspiration for this article were the videos on nouns, verbs and Mr. Morgan.

ABOUT THE AUTHOR

Suzanne E. Rowe is an associate professor at the University of Oregon School of Law, where she is a Dean’s Distinguished

Faculty Fellow. She directs the Legal Research and Writing Program. You may contact her at srowe@uoregon.edu. You may also send letters to the *Bulletin* editor at editor@osbar.org.

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— [return to top](#)

— [return to Table of Contents](#)