

LIGHTS, CAMERA, ACTION: THE POWER OF VERBS. WRITING STRATEGIES TO ENSURE YOUR ACTION WORDS ARE NOT WEAKENED BY SLOPPY AND CARELESS DRAFTING

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The parts of speech form the backbone of English discourse and writing. They consist of nouns, adjectives, verbs, adverbs, pronouns, articles, prepositions, conjunctions and interjections. This article focuses on verbs, which are generally action words. Verbs bring oral discourse and writing to life. Careless use of verbs does a major disservice to writing. It weakens writing and accordingly diminishes the overall vitality of the written word. The authors analyze the principal ways in which verbs are misused. They offer easy to understand, concrete examples of how to avoid the pitfalls of misusing verbs to ensure any subject, but particularly legal writing, will be as powerful and easy to understand as possible. Using verbs correctly is an important component of the Plain English Movement, whose goal has been to stamp out legalese.

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1 Introduction

According to Karen Nelson-Field, “Legend has it that one day in the golden age of Hollywood, frustrated on set and running out of time, an influential filmmaker named David Griffith started shouting at the crew ‘lights, camera, action’.” Crucially, in order to make a movie, there has to be adequate lighting. Cameras have to be positioned correctly. Actors must take their correct marks. The director then shouts this command and the magic begins. Of the various genres, most people adore action movies. The reasons are obvious. Action movies are thrilling. They are fast-moving. They appeal to our senses. They easily hold our interest. A two-hour action thriller seems to pass by in the blink of an eye. Who can forget some of the opening action scenes of a James Bond 007 movie? Or a motorcycle chase scene from a Jason Borne movie? Or John Wick, the retired hitman who returns to his old ways after his beloved dog is killed? The action is compelling. Hollywood directors churn these movies out as they know movie-going audiences will flock to see them. Sporting events provide a parallel. We are drawn to sports because they, too, are action packed. Sixty thousand fans stand and applaud the footballer that heads the ball into the goal off a set piece corner kick.

Lawyering has surprising similarities to moviemaking. Lawyers, especially those involved in litigation, but others as well, including all of us that write, are storytellers. Lawyers, working with the facts of the case as presented to them in a concrete situation, have to weave those facts together in order to develop a compelling story to tell to a judge, a jury, an arbitrator or a mediator. So do lawyers or professors that write professional articles. A difference is that moviemakers use both words and pictures in their craft. Lawyers, on the other hand, have to rely solely upon words. As Weihofen¹ states,

“Especially in presenting arguments, a lawyer will want to make the impact of his or her words strong and indelible. [...] In speaking we can use certain devices to gain emphasis, such as pauses, gestures or raising the voice. These cannot be reproduced in type.” This is where verbs come in.

As writers we each develop our own style from myriad sources such as former teachers, professors, our favorite writers, and even advertisements. Marketers are

¹ H. Weihofen, *op. cit.*, p. 319.

particularly savvy in their use of language, as they are forced to both grab our attention and convey their message in short order. One of your authors recently was walking in the business area of the local neighborhood. The photography shop has a simple ad reading: Look, think, shoot! (together with a photo depicting a hand dropping plastic canisters of film—even though hardly any of us in the digital age using smart phones need film anymore to take photos!). *Look, think and shoot* are examples of three strong, memorable verbs that convey a lasting message about taking photographs. These are the types of strong verbs that we, as legal professionals, must incorporate into our own writing.

One of our favorite examples demonstrating the masterful use of verbs is the marketing campaign used by Vitality Health and Life Insurance, a United Kingdom-based company offering private health and life insurance to the UK market. Most of us like cute and cuddly dogs. In 2016, Vitality's marketing department introduced the public to its mascot, Stanley the Dachsund. Stanley is shown in most of Vitality's advertisements out with its owner engaged in some kind of healthy activity such as *walking, running* or *biking* (note, these are each strong verbs). Vitality's business model is to provide its customers with price discounts for healthy living. The healthier the customer the larger the discounts. Stanley also appears in Vitality's sponsorship advertisements for Sky News, including Premier League football. One memorable advert, on a football pitch, shows Stanley striking a soccer ball and placing it perfectly into the upper corner of the goal while proclaiming, "*Score!!! I spotted* an opportunity. *I found* the space. And *I slotted it* through. It's what I *do!*" This Vitality add is very short, only seconds long. Of course, a dog playing football has nothing to do with buying insurance. That is not the point. Vitality knows that insurance is a boring topic. Having Stanley as its mascot helps make insurance seem less mundane and more fun. The verbal message that accompanies Stanley stays imbedded in our minds because the wording is forceful, fueled by the strong verbs: *spotted, found, slotted* punctuated by a short, final sentence: It's what I do! Marketing departments, as with filmmakers, have the advantage of using both strong words and images to convey their messages. We in the legal profession do not have this binary option and instead are restricted to words. It is imperative, to overcome this inherent disadvantage, that we make every word count. Again, this is where verbs come into play.

Using strong, often short verbs to convey messages is not new. Those in ancient times employed the same strategy. The Latin phrase *veni, vidi, vici* when translated into English means: I *came*, I *saw*, I *conquered*. It is used to refer to a swift, conclusive victory. The phrase is popularly attributed to Julius Caesar, a Roman general who led Roman armies in the Gallic Wars, who supposedly used the phrase in a letter to the Roman Senate around 47 BC, after he had achieved a quick victory in the short war waged against Pharnaces II of Pontus at the battle of Zela, in modern-day Zile, Turkey.

As legal writers, we can also gain valuable insights and lessons about the value and power of using strong verbs from some of the famous speeches made over the years, by politicians and others. Sir Winston Churchill provides one outstanding example. Sir Winston Leonard Spencer Churchill was a British statesman, soldier, writer, painter, and philosopher who twice served as Prime Minister of the United Kingdom, most famously from 1940 to 1945 during the Second World War. Churchill wrote his own speeches and is renowned for having labored over every word. He understood the value and power of words, which he used to rally the British public through the sustained days of the Nazi Blitz from September 1940 until May 1941, and then through the balance of the war until Nazi Germany and its allies were ultimately defeated by the Allied forces. An icon of great speech writing, one of his most famous speeches took place in 1940 when Churchill declared to British citizens that

“we shall *defend* our island, whatever the cost may be, we shall *fight* on the beaches, we shall *fight* on the landing grounds, we shall *fight* in the fields and in the streets, we shall *fight* in the hills; we shall never surrender, and even if, which I do not for a moment believe, this island or a large part of it were subjugated and starving, then our Empire beyond the seas, armed and guarded by the British Fleet, would *carry on the struggle*, until, in God’s good time, the New World, with all its power and might, steps forth to the rescue and the liberation of the old.”

The speech is powerful, in large measure, because Sir Winston uses strong, active verbs like “defend” and “fight” to motivate and arouse his audience. Although the thrust of our article relates to the use of verbs, Churchill’s use of repetition is remarkable. Repeating the phrase “we shall” adds force and boldness, as if Churchill

was literally willing his audience to resist the Nazis and win the war. The use of repetition is another tool that we legal writers should keep handy in our toolbox, for it, too, has its place in our writing.

William Shakespeare² was an English playwright, poet, and actor. He is widely regarded as the greatest writer in the English language and the world's pre-eminent dramatist. Shakespeare wrote some 39 plays, 154 sonnets among other things. He remains arguably the most influential writer in the English language, and his works continue to be studied and reinterpreted. William Shakespeare's writings also have much to offer legal writers.³ Here is a sample from *Henry V*, Act 3, Scene 1, from the "Once more unto the breach speech".

"Once more unto the breach, dear friends, once more; Or close the wall up with our English dead. In peace there's nothing so becomes a man As modest stillness and humility: But when the blast of war blows in our ear. Then imitate the action of the tiger; Stiffen the sinews, summon up the blood, Disguise fair nature with hard-favour'd rage."

Those of us in the legal profession have been taught in our law schools to write logically and to avoid writing in the style of what we might call literary flare. Accordingly, most of us became very boring writers. It does not have to be that way. Shakespeare, in the lines above, uses orders and imperative verbs⁴ to give the speaker a sense of command and authority. These tools, along with Shakespeare's use of repetition (a device also used by Sir Winston Churchill) makes this such a great, rousing battle speech.

Johnson⁵ wrote not specifically about verbs, but rather the importance of those in the legal profession writing clearly and effectively. "The most important tool in a consummate lawyer's toolbox is the ability to communicate effectively, both orally and in writing. Whether the person receiving one's communication is a judge, juror,

² William Shakespeare lived from April 1564 to April 1616.

³ S. Greenblatt, op. cit., p. 11.

⁴ An imperative verb is an action a speaker or writer wants someone else to do. These are sometimes also called "command words". "Open the door" is an example of an imperative sentence, with the imperative verb being open. Imperative verbs can also be used to give directions or instructions such as: "Go to the first stop sign and turn left." They can be used to provide a warning: "Watch out!" Or, "Look to your left!" They can be used to give or offer advice: "Order the lobster." ⁵ J. Johnson, op. cit., pp. 42–43.

or opposing counsel,⁵ the message should be precise, clear, trustworthy, and engaging. Writing differs from oral expression because it creates a permanent record. Persuasive legal writing involves knowing precisely what one wants to say—and saying it—clearly and simply. Long sentences, for instance, are usually the product of the failure to think through what one wants to say and how to say it. Short sentences can be powerful and persuasive: *this is a case about a broken promise*. Aim for an average of about 20 words a sentence.”

Is what Johnson preaches easier said than done? And what does this have to do with the main subject of this paper, verbs? The answer is this: verbs have everything to do with writing in a manner that enables legal professionals to write persuasively. Yes, we need nouns, and pronouns, and adjectives and articles, but to be truly effective writers we need to pack our toolbox with power verbs and we must use them correctly. Otherwise, our writing, at worst, is doomed to failure, but at a minimum will create a “permanent record” (in the words of Johnson) that is suboptimal. Johnson goes on to state “The ideal style is clear, forceful, precise, attention grabbing, and so elegant that the reader has no choice but to adopt the writer’s view of the law.”⁶ We will explain how using verbs correctly can help you achieve this goal.

1.1 The Problem and Why Verbs Are So Important

Throughout history many of us trained in the law have been plagued with poor writing. We do not set out to be poor writers and of course, writing poorly is not solely the domain of lawyers. Many people, even those highly educated, do not write effectively. However, because lawyers are such notoriously terrible writers, we have the dubious distinction of having been given a special name for our writing: legalese. Much has been written on the topic of legalese and methods to rectify the problems associated with it. Your authors wrote one such article a couple of years ago.⁷ The present article builds upon the earlier article, which focused on the so-called Four C’s of writing: writing clearly, concisely, completely and correctly. Legalese might be viewed as the very antithesis of writing utilizing the Four C’s. Such writing is often

⁵ We would add others to this list: clients, mediators, arbitrators, students, educators, and any others consuming written legal work product.

⁶ J. Johnson, *op. cit.*, p. 43.

⁷ T. Heller and D. Zoyirova, *op. cit.*, pp. 281–326.

ambiguous, imprecise, redundant, long-winded, difficult to understand, unduly complex, and uses unnecessarily long words, sentences and paragraphs.

Judge Painter (2010),⁸ writing for the Michigan Bar Journal, summarized the problem with legal writing succinctly:

“In law school, I don’t remember any professor telling us to ‘write like a lawyer.’ Maybe ‘think like a lawyer,’ but not write like one: take all strong verbs out of your sentences; make every sentence at least 200 words, with as many clauses as possible; have your paragraphs go on from page to page; use words and phrases such as *pursuant to*, *whereas*, *heretofore*, *prior to*, and *provided that*. And of course, use two, and perhaps three or four, words when one would do: *rest*, *residue*, and *remainder*; *free and clear*; *null and void*. None of these lawyerisms are necessary, and all are distracting and confusing—not only to the public, but also to judges and lawyers. The problem is that we read cases by old dead judges who were not good writers when they were alive. Certainly, there were good judicial writers—Holmes, Cardozo, Jackson—but they did not write on every issue to be covered in a casebook. So the casebook editor had to pick dull cases. And even after editing, they were still badly written. So we read stilted, backward, and downright clumsy language that had been passed down for generations – and internalized it. When we got out of law school, we thought that’s how judges and lawyers write, so I should write that way too. Thus, the tradition of bad legal writing continued.”

During the primary school years, in addition to learning other grammar, we gradually increased our vocabulary. In addition to verbs, we learned about nouns: the name of a person, place, animal, thing, or idea. We learned about pronouns: a word used in place of a noun, such as him, her, she, they, we, it, etc. We learned about adjectives, which are words that modify or describe a noun or pronoun: The old man bought a *sturdy* cane. We learned about adverbs, which modify or describe a verb, an adjective, or another adverb. Examples include words such as gently, extremely or carefully. We also learned about prepositions, conjunctions and interjections, which together round out the parts of speech.

8 M.P. Painter, op. cit., pp. 54–55. Judge Painter served as an Ohio trial and appellate court judge for 27 years before being elected to the United Nations Appeals Tribunal. He has written many hundreds of nationally published opinions and books, including *The Legal Writer: 40 Rules for the Art of Legal Writing*. He frequently lectured all over the world on the subject of legal writing.

But our focus here is upon verbs. As we proceeded with our education, and life in general, we continually filled our vocabulary toolbox with an ever-increasing number of verbs. The verbs got longer and more complex. As we moved on to high school and then to university, and for us lawyers to law school, our writing became ever more complex. Writing about complex or complicated issues, however, is not the problem. The problem with much of our writing, and lawyers and law professors are particularly guilty of this, is that over the years we can develop some very bad writing habits. We do not do this intentionally. We do so perhaps, as Judge Painter suggested in an excerpt from him, we quoted in the preceding section, because we read text from others that is poorly written and unfortunately incorporate those bad habits into our own writing. And then once we write poorly, we simply repeat the same bad habits time and again. This is a variation of the same problem that might plague a golfer that develops a bad habit when swinging the golf club. Repeating the same bad habit swing after swing only serves to engrain the problem in the golfer's brain and body mechanics, making correction of the bad habit all the more difficult to overcome. The same is true with writing. Bad habits can be challenging to overcome without first realizing the nature and extent of the problem and then practicing the correct way to overcome the problem(s). We also tend to write poorly because we write too fast. Too often we do not take the time to critically edit our work and to write with concision.⁹ Often, of course, we do not receive feedback about our writing, as we sometimes did while in school (at least if we were taking a writing class). Some of us might feel that our educations would be wasted if we do not use the longest, most complicated words (including verbs) we can find. Sometimes we simply are too lazy to ensure we are not weakening the verbs we use.

These bad habits, cumulatively, have many unintended and undesirable consequences. Nothing will undercut the Four C's more than misusing verbs. Their misapplication will instead lead to writing that is vague, wordy and incomplete. The goals of our paper are simple: we will identify the principal misuses of verbs in legal writing and we will offer concrete strategies on how to use verbs so that your writing will be clearer, more concise, more engaging and highly persuasive. Many readers will probably be surprised to learn what these misuses are. This is because you have been conditioned over the years to misuse verbs in your own writing and because

⁹ The noun concision means briefness or brevity. In writing concision means to write with economy and to express our ideas with as few words as possible. We will discuss concision further in Section 7.

you have read so much text misusing verbs. We can guarantee you that following these strategies will also drastically improve the overall quality of your writing and will help eliminate legalese.

Let's get started! Lights, camera, action!

2 The Basics of Verbs

A verb is a part of speech used to describe motion or convey a subject in action. Verbs are at the heart of every sentence. They signify actions, states, or occurrences. Verbs are to sound writing what actor John Wick is to action thrillers. As Hey (2023)¹⁰ aptly notes,

“Welcome to the vibrant world of verbs, the action-packed heroes of the English language! If nouns are the actors, then verbs are undoubtedly the directors, dictating the action and steering the narrative. Their significance in communication is unparalleled; they breathe life into our sentences and stories, turning static words into dynamic tales.”

Verbs are a critical part of speech because without them a sentence cannot exist. Consider the following: *It took Tom two months to his paper.* This is an incomplete sentence because it is missing the action verb “*write*.” There are five types of verbs that help make a sentence. Action verbs express an action that is either physical (talk, run, fall, write etc.) or mental (think, hope, choose etc.). Linking verbs link the subject of a sentence to another word: appear, be, feel, grow, look, remain, seem, smell, sound, stay, taste etc. Auxiliary or helping verbs changes the tense (when something happened), voice (relation of the subject to the verb and is either active or passive), or mood (a statement of fact, what might or could be, or give a command or plea): be, do, have, can, may, shall, was, will etc. Transitive verbs transfer the action from one noun to another and always has an object that receives the action of the verb or completes the meaning of the verb, for example: *Tom took the job.* Intransitive verbs do not transfer action so they do not have an object, for example: *The computer broke.* We will focus in this paper on the importance of action verbs.

¹⁰ R. Hay, op. cit.

Verbs are awesome! Consider this: A verb is the only part of speech that can be a sentence by itself, with the subject in most cases you, implied, such as: Go! Drive! Sing! Run!

Verbs are not only critical to writing complete sentences, they are indispensable to writing forcefully, clearly, exactly, crisply and economically. Strong verbs make for excellent writing and bring written discourse to life. They add punch to any writing. Remember when we were small children and learning how to safely cross the street? Our parents and teachers told us to “*Stop, look, and listen.*” We were told to *stop* to make sure nobody was coming into our path, to *look* both ways, and to *listen* for other people or cars or cycles. *Stop, look* and *listen* are all short, strong verbs. We remember this phrase our entire life in good measure because these verbs are powerful. Your reading audience will similarly remember what you write better and longer when you use as many strong verbs as possible.

3 **Mind the Gap!**

“Mind the gap” or sometimes “watch the gap” is an audible or visual warning phrase issued to rail passengers to take caution while crossing the horizontal, and in some cases vertical, spatial gap between the train doorway and the station platform edge. The phrase was first introduced in 1968 on the London Underground in the United Kingdom. It is popularly associated with the United Kingdom among tourists because of the particularly British word choice (this meaning of the verb *mind* has largely fallen into disuse in the United States where the term “watch your step” is more commonly used). For our purposes, the key principle when minding the gap in our writing is to strive to keep the subject of the sentence and the verb close together, preferably near the beginning of the sentence, and to avoid separating them with words or phrases (i.e. the gap) that will probably create confusion. The reason this is good practice is because your readers expect the verb, a word that describes an action, to be near the subject of the sentence. The problem is simple. When the author instead inserts text, in some cases a lot of text, between the subject and the verb, by the time the reader eventually reaches the verb they will have forgotten what the subject was. This forces the reader to go back to the beginning of the sentence for clarification of the subject. Writing is not clear and concise if the reader is forced

to read your text more than once to understand what you are saying. In short, avoid or mind the gaps between the subject and verb. Here are several examples.

The *injured plaintiff's back and neck pain*, following three weeks of physical therapy and rest, *had decreased* by about fifty percent. By minding the gap, a clearer and more forceful version of this sentence reads as follow. The *injured plaintiff's back and neck pain had decreased* by about fifty percent following three weeks of physical therapy and rest.

Blackwell (2018), writing for the San Francisco Bar Association, states that because “Fast and easy comprehension by the reader should be every legal writer’s goal,” the writer must “Make sure the subject, verb, and object do not stray too far from each other.” In the sentence, “The defendant filed a motion for summary judgment,” defendant is the subject, filed is the verb, and motion for summary judgment is the object.” Blackwell, citing Wydick’s Plain English for Lawyers, 5th ed., provides an example of a sentence where the subject and verb are too far apart, leading to confusion. “A claim, which in the case of negligent misconduct shall not exceed \$500, and in the case of intentional misconduct shall not exceed \$1,000, may be filed with the Office of the Administrator by an injured party.” In this example, the “gap” or distance between the subject (claim) and the verb (filed) is 22 words. Wydick closes (or minds) the gap by placing the intervening words between the subject and verb into a separate sentence.

“Any injured party may file a claim with the Office of the Administrator. A claim must not exceed \$500 for negligent misconduct, or \$1,000 for intentional misconduct.”

Blackwell (2018) proposes making sentences with smaller gaps between subject and verb easier to understand by moving the intervening words (between the subject and verb) to either the front or end of the sentence. She provides the following two examples employing this sensible strategy. “This agreement, unless revocation has occurred at an earlier date, shall expire on November 1, 2012” becomes, when narrowing the gap, “Unless revoked sooner, this agreement expires on November 1, 2012.” “The sentence, ‘The defendant, in addition to having to pay punitive damages, may be liable for plaintiff’s costs and attorney fees’ becomes, ‘The

defendant may have to pay plaintiff's costs and attorney fees in addition to punitive damages.”

Lastly, Blackwell (2018) references another example from Wydick. The following sentence contains a 21-word gap between the verb (*gives*) and the object (cause of action).

“The proposed statute *gives* to any person who suffers financial injury by reason of discrimination based on race, religion, sex, or physical handicap a *cause of action* for treble damages.”

The intent of this sentence becomes much clearer when the intervening words are placed at the end of the sentence. Here is a much-improved sentence once we mind the gap:

“The proposed statute *gives a cause of action* for treble damages to any person who suffers financial injury by reason of discrimination based on race, religion, sex, or physical handicap.”

Pedestrians that are rushing to get on or off a subway might suffer serious injury when they trip and fall because they failed to mind the gap. Similarly, legal writers that fail to mind the gap by distancing the subject and verb with many intervening words will do serious damage to their text. They will confuse their reader, waste their reader's time by forcing them to labor over their text, and weaken the arguments or points they are trying to convey. When writing, always remember to mind the gap!

4 Do Not Be Passive; Get Active!

4.1 Understanding the Difference Between Active and Passive Verb Tense

All texts relating to English grammar implore writers to use the active instead of the passive voice. As an adjective, active means energetic; moving vigorously or frequently; characterized by being busy or lively.¹¹ In grammar, the active voice

¹¹ Oxford Languages Dictionary. ¹³ Oxford Languages Dictionary.

denotes a voice of verbs in which the subject is typically the person or thing performing the action and which can take a direct object (e.g. *she loved him* as opposed to the passive form *he was loved*). Passive is the opposite of active. The dictionary defines passive, as an adjective, as accepting or allowing what happens or what others do, without active response or resistance (e.g. the women were portrayed as passive victims)¹³. Synonyms of passive include indifferent, quiet, sluggish, disinterested. In short, active verbs strengthen writing. Constantly using the passive voice of verbs does indeed make writing ambiguous and sluggish. Furthering our action movie analogy, us legal writers using the passive voice leads to weak verbs and has the same impact on our readers as James Bond taking time out of his action scene for a cup of coffee at the cafe!

Your American author was born, raised and educated in Michigan. He was a member of the Michigan bar for many years and practiced there several years before relocating to Washington, where he practiced in the area of litigation for 30 years, before retiring and moving to Slovenia, where he teaches legal English as a Senior Lecturer. The Michigan Bar Association publishes the *Michigan Bar Journal* monthly. For decades it has included “Plain Language” columns as a regular feature. Over the years, your American author always looked forward to reading the *Plain Language* columns, which have had as their purpose to improve the clarity of legal writing and the public opinion of lawyers by eliminating legalese.¹² In 2005, Mark Cooney, who teaches legal research and writing at the Thomas M. Cooley Law School in Michigan, wrote two articles for *Plain Language* entitled Stay Active! Part 1 and 2. We have found no better articles discussing this topic specifically in the sphere of legal writing, and since the examples Cooney provides are legal examples, this section of our article draws heavily on his contributions. We have used multiple other contributions from the Michigan Bar Journal to discuss the proper (and improper) use of verbs.

Here is how Cooney (2005) simply describes the fundamental difference between the active and passive voice.

¹² Joseph Kimble is the longtime editor of *Plain Language*. A graduate of the University of Michigan Law School in 1972, Professor Kimble is a Distinguished Professor Emeritus at Thomas Cooley Law School in Michigan. He has published dozens of books and articles on legal writing. His Cooley Law School biography states, “I think no reform would more fundamentally improve our profession and the work we do than learning to express ourselves in plain language.” Your American author would like to express his gratitude for the substantial efforts Professor Kimble has made to the Plain Language movement in the legal profession. I have no doubt many of my colleagues share my sentiments and I know my writing is much improved thanks to his works.

“Active voice means that the subject is ‘doing’ the action in the verb instead of following the verb and being ‘done to.’ But let’s keep it simple and think of active voice as the actor (or agent) doing the action. That’s move vivid. We can look at the model of a typical sentence to illustrate this and to see the difference between active and passive voice: *Active* =

Actor (Subject)		Action (Verb)	Object
The attorney	<i>Passive</i> =	argued	the motion.
Object		Action (Verb)	Actor (Subject)
The motion		was argued by	the attorney.”

Admittedly, sometimes it can be difficult to spot the passive voice when reading text. To some extent it’s like driving a vehicle in the wrong gear. When you do so the vehicle is not quite operating to its capacity. You can first feel the problem and then you realize what the problem actually is and what you need to do to fix it. When you shift to the correct gear then the vehicle runs much smoother. The same is true concerning use of the passive voice. When you read text using the passive voice it does not quite sound right. It sounds a bit awkward and weak.

Cooney¹³ provides several additional examples.

“*Passive*: The privilege has been consistently *extended* to quasi-legislative proceedings by Michigan’s appellate courts. The actors are Michigan’s appellate courts. Their action is extending. So, move ‘Michigan’s appellate courts’ up to the front and make them do the action: *Active*: *Michigan’s appellate courts have consistently extended* the privilege to quasi-legislative proceedings. Another example: *Passive*: The treatment was provided to Ms. Smith for two weeks by the hospital’s cardiac team. *Active*: *The hospital’s cardiac team treated* Mr. Smith for two weeks. Which style would you rather read over the course of a 20-page brief? Sometimes the ‘actor’ doing the action will be an inanimate thing rather than a person: *Passive*: Recovery is prohibited by the statute if the injured person has not given timely notice to the insurer. The actor in the main clause of that sentence is the statute. Move it up front, and let it do its thing: *Active*: *The statute prohibits* recovery if the injured person has not given timely notice to the insurer.”

¹³ M. Cooney, op. cit. (2005).

4.2 Benefits of Using the Active Verb Tense

The before and after examples discussed in the last subsection illustrate that writing in the active voice leads us to use strong verbs which in turn strengthens our writing. Therefore, “argued” is preferable to “the argument was made by.” As we have discussed, verbs are action words. Action words bring punch to our writing. Jason Borne, right in the middle of a chase scene, does not suddenly halt the action to smoke a cigarette. Doing so would diminish the entire scene. In your legal writing, do not dilute action verbs by using the passive voice.

There are other benefits to using the active voice. Professor Kimble wrote an article for *Plain Language* in 2002 entitled *The Elements of Plain Language*. This article was a recast of a law review article he had written on this topic in 1992.¹⁴ One of his principal guidelines for effective legal writing is to prefer short and medium-length sentences over longer ones. Kimble recommends, “As a guideline, keep the average length to about 20 words.”¹⁵ Cooney (2005) observes that “Active-voice sentences tend to be shorter. It usually takes extra words to write in the passive voice. And good, strong verbs are lost: *Passive: The argument was made* by the hotel’s attorneys that the Commerce Clause could not be extended so far. *Active: The hotel’s attorneys argued* that the Commerce Clause could not be extended so far.”¹⁶ The first sentence, using the passive voice, consists of 18 words while the second, using the active voice, states the same thing, only more forcefully and economically, using only 13 words. True, both sentences are within Professor Kimble’s general guidelines for trying to limit the average length of sentences to about 20 words. And you might say that using the active voice in this example “only” saved five words. However, over the course of a long legal memorandum or article all of these word savings add up. Here is another example. The statute was applied by the court. Changing the sentence to the active voice, The court applied the statute, condenses the sentence from seven to five words and makes the statement more forcefully.

¹⁴ J. Kimble, op. cit. (1992).

¹⁵ J. Kimble, op. cit. (2002), p. 44.

¹⁶ M. Cooney, op. cit. (2005), p. 38

Your authors spend a significant amount of time editing legal manuscripts. It is always interesting to observe the number of words a manuscript has at the beginning of the editing/proofreading process compared to the number at the end. We find that writers that improperly use verbs (and nominalizations, discussed in Section 5) tend to be verbose. The word count for such authors typically is significantly reduced once edits are completed and unnecessary words removed. Effective writing is concise. It eliminates unnecessary words. It gets to the point without wasting the reader's time. Utilizing the active voice is one technique for dramatically increasing precision in your writing.

The failure to use the active voice can lead to unintended adverse legal consequences. Professor Cooney has provided numerous examples of the courts issuing adverse rulings against parties that failed to adequately express their intent by sloppily using the passive voice. Here we will provide two examples. “The Seventh Circuit questioned the sufficiency of evidence supporting a prisoner’s conviction for possessing a sharpened weapon where the prison guard’s report was ‘written largely in passive voice and never identifie[d] which inmates either received the razors or returned the razors without blades.’”¹⁷ In another case, “A juvenile court’s written findings of fact were not an adequate basis for terminating parental rights when ‘the juvenile court’s use of the passive voice obscure[d] its conclusion regarding the identity of the abuser or abusers.’”¹⁸

5 Nominalization – A Verb’s Lament¹⁹

5.1 Nominalization Explained – Converting Verbs Into Nouns

Perhaps the single largest error we see in legal writing is authors’ converting verbs into nouns. It is not clear to us why lawyers and legal professors develop this bad habit, but there is no denying they do. Doing so violates the four C’s of writing because it makes writing less clear and less concise. Nominalizing verbs—transposing strong verbs into nouns—takes the “action” out of verbs. Think back to our opening analogy of how action movies can relate to legal writing. As

¹⁷ *Ibidem*, quoting from *Castro v. Hastings*, 74 Fed. Appx. 607, 609 (CA 7, 2003).

¹⁸ *Ibidem*, quoting from *In re MJB*, 140 SW3d 643, 656 (Tenn. App. 2004) (The court affirmed termination on other grounds).

¹⁹ M. Cooney, op. cit. (2006), p. 40.

moviegoers we do not want to see action scenes in any way diluted. We want nonstop action. We also do not want to sit through long movies that could be shortened by prudent editing. Just as movie editors have to remove any unnecessary clips of film that do not add to the overall plot, so as not to bore the audience, legal writers must engage in this same process. Legal writers that nominalize verbs do a great disservice to their writing and hence their reading audience. As we will see, nominalizing verbs lengthens our writing. It forces our readers to spend more time ploughing through our text than is necessary.

Many have written on this topic. However, we believe that the one written by Professor Cooney is one of the best and most interesting. A verb and legal writer (author) meet in a tavern and discuss what the nominalization of verbs is by presenting concrete (and actual) examples from the legal realm. Verb explains to author, in a humorous and memorable way, why nominalization of verbs constitutes poor writing. We have decided to reproduce his article in whole because it left such a favorable impression on us. And we believe it will do so on you as well. The name of Professor Cooney's article is *A Verb's Lament*.

"On a hunch, I stepped into a bar around the corner from an office building filled with law firms. B.B. King riffs filled the smoky room. And there it was: Sitting at the bar, with its head hung over a Scotch and water, was a verb. Author: Why so glum? Verb: You know, just the usual stuff. Author: What usual stuff? Verb: Well, it's those lawyers again. A lot of them just don't seem to like me. They make me feel so ... so ... well ... *nominalized*. Author: Buddy, I'm no psychiatrist. What do you mean? Verb: I'm a nice, simple verb, but they aren't satisfied with that. They try to change me into some highfalutin, abstract noun with a bunch of extra words. Author: Give me an example: Verb: Sure. Suppose a lawyer wants to say that a statute 'protects' a certain class of people. That's just fine the way it is. But many lawyers inflate simple verbs like *protects* to make them sound more impressive: 'The statute *provides protection for* workers who are discriminated against because of their age.' That took three words to say what one simple verb said better. They ... they do it to me all the time. [The author hands the verb a tissue.] Author: Does nominalizing a verb always add extra words? Verb: I can't see how it wouldn't. Sometimes it takes three, four, even five words to say what one little verb says just fine. Check these out: Example: The defendant *made the argument* that the plaintiff's lawsuit was untimely. Better: The

defendant *argued* that the plaintiff's lawsuit was untimely. Example: The parties *engaged in a discussion over* the possibility of a settlement. Better: The parties *discussed* the possibility of settlement.

Author: I see the improvement. Verb: Some writing experts call nominalized verbs 'buried' verbs. A writer who nominalizes a verb has killed the poor thing, so it might as well be buried. It's verbicide! Author: Settle down, fella. Is this really that big a deal? Verb: Imagine being forced to read these wordy, lifeless nominalizations page after page in a long brief. Which style do you think a busy judge would rather read? Author: Okay, okay, I get it. But what makes you think that lawyers are the culprits? Verb: Don't get me started on letters to clients, with all that *we have effectuated service on* junk instead of *we served*. I see it in briefs all the time. Author: Prove it. Verb:

Okay, smart guy. Here are some real-life examples:

Brief: 'This event . . . *caused an interruption in the* flow of their testimony.' Better: This event *interrupted* the flow of their testimony. Brief: 'Neither she nor any other individual had *made an assessment of* [the] attachment.' Better: Neither she nor anyone else had *assessed* the attachment. Brief: 'APHIS then *undertook an investigation into* the cause of the larvae finds.' Better: APHIS then *investigated* the cause of the larvae finds.

Author: You've certainly done some digging. Verb: You and your lawyer friends will impress judges, judicial clerks, and clients far more if you just give us verbs a chance. Author: Yeah, well, I guess now we've come to an understanding about each other. Verb: You mean, now *we understand* each other. You're all hopeless. Bartender!"

5.2 Use Strong Base Verbs – Eschew Nominalization; Further Legal Examples

Wing also recommends that legal writers use strong base verbs, to the exclusion of derivative nouns. He is quite right to state,

“Strong sentences require strong base verbs, words that tell what people do. Offerors revoke. Attorneys represent. Verbs breathe life and action into the sentences. Lose them and the sentences are dead.”²⁰

By now you might have noticed some striking parallels between the use of the passive voice instead of the active and nominalizing verbs into mushy nouns. Any writing, but particularly legal writing, to be effective and simple for the reader to understand, must be crisp and concise. It must be strong and to the point. Using active verbs and avoiding nominalizing them is not difficult because nominalizations are easy to locate because they usually end in the following ways: -ion, -ment, -ance, -ence, -ancy, -ency, -ant, -ent, -al. Further, verbs that have been nominalized are usually accompanied by wordy prepositional phrases. Here is another before and after example. The nominalized sentence reads: There was quite a bit of *disagreement* between the judges on the high court *over the decision* whether to offer the judicial assistant position to the graduate from Oxford Law School or Harvard Law School. Converting this wordy sentence (35 words) to the active verb sentence we now have this sentence: The judges on the high court *disagreed* considerably whether to hire the Oxford or Harvard law school graduate for the judicial assistant position. (23 words).

Here is a list of some common nominalizations and how to properly use them as active verbs:

NOMINALIZATION	ACTIVE VERB
Took notice	Noticed
Provides responses	Respond
Interpretation	Interprets
Made a decision	Decides or decided
Suggestion	Suggest
Destruction	Destroy
Gave a report	Reported
Gave or Made a statement	Said
Result in delay	Delayed
Conduct an examination	Examine
Caused confusion	Confuse
Reaction	React
Movement	Move
Have knowledge of	Know
Reliance	Rely

²⁰ F. G. Wing, op. cit., p. 150.

NOMINALIZATION	ACTIVE VERB
Revocation	Revoke
Is binding on/upon	Binds
Tendency	Tend
Statement	State
Conclusion	Conclude
Performed a search on	Searched
Make or made a payment	Pay
Was in conformity with	Conformed
Made application	Applied
Reached a conclusion	Concluded
Involved in a collision	Collided
Take action	Act

Wing (1989) states “Sentences built around derivative nouns are often longer than need be. It simply takes more words to hold the sentence together.”²¹ Wing used two of the base words set forth in the list above – revoke and conclude – and used one of the common word endings -ion to nominalize the verbs into nouns in the following two examples:

Nominalized sentence: There has been a *revocation* of our offer. (8 words).

Active (root) verb sentence: We *revoke* our offer. (4 words).

Nominalized sentence: The *conclusion* that I have reached is that the terms of the contract are fair. (15 words).

Active (root) verb sentence: I *conclude* the terms of the contract are fair. (9 words). Judge Painter (2010)²² in his article on Writing Smaller, when discussing nominalizations, offers the following examples:

“Do not write *filed a motion* unless the filing itself has some significance. *Filed a motion* conjures up in readers’ minds someone walking up to the clerk’s counter and having a pile of papers stamped. Write (instead) *moved*. *Smith moved for summary judgment*. Nominalization is taking a perfectly good verb, such as *examine*, and turning it into a

²¹ *Ibidem*.

²² M.P. Painter, op. cit., p. 54–55. Painter provides a useful list of common nominalizations used in legal writing. We have used several of them in our list.

noun, *examination*. Then you need a verb, which is always a weak one, in this case *make*. *Make an examination of* is four words, three of them useless.”

“The preposition *of* is sometimes a marker for nominalizations. Always question any *ofs* in your writing – they may mark not only nominalizations, but also false possessives. Write *Ohio Supreme Court*, not *Supreme Court of Ohio*. There is nothing wrong with the possessive. Write *the court’s docket*, not *the docket of the court*. Recently I read *upon motion of Harmon*. Why not *on Harmon’s motion*? Somewhere, someone told lawyers not to use possessives, maybe because *docket of the court* sounds more formal. Or maybe we got confused by someone banning contractions from legal writing (another error) and the possessive apostrophe got unjustly maligned. Whatever the error’s genesis, the *of* construction is clutter. And much harder to read.”

6 To Be or Not to Be – That Is the Question

In William Shakespeare’s play *Hamlet*, Hamlet famously says, “To be, or not to be, that is the question: Whether ‘tis nobler in the mind to suffer the slings and arrows of outrageous fortune, or to take arms against a sea of troubles.” Hamlet’s soliloquy ponders the age-old issue of mortality, and whether one is better off alive or dead. Hamlet is thinking about his own mortality while also considering whether or not he should kill his uncle, King Claudius, who had killed the old King Hamlet. Many of us read and/or watched the play and know the main plot. But you might now be asking yourself what (if anything) this has to do with the proper use of verbs so as to improve the overall quality of our legal writing. The answer follows as “the night the day.”²³

Jacobson,²⁴ writing a column for the Oregon State Bar, does a superb job of explaining not only why “to be” verbs are weak and so dilute our writing but also how to solve the problem with their use. He offers the sound advice to use *to be* verbs only for definition, description or status. The problem, according to Jacobson,

²³ Since we are using William Shakespeare and his famous play *Hamlet* to make an important point about verbs, here is another famous line from the same play. King Claudius’ chief minister, Polonius, as part of a speech where he is giving his son, Laertes, his blessing and advice on how to behave while at university, says “This above all: to thine own self be true, And it must follow, as the night the day, Thou canst not then be false to any man.” To conclude our analogy of verbs to Polonius’s speech, by correctly using verbs it must follow, as the night the day, we trained in the legal profession will help strike out legalese and please our reading audiences! Amen!

²⁴ S.M.H Jacobson, op. cit.

is that *to be* verbs along with the words *is, am, are, was, were, be, been* and *being* fail to convey action, and thus are weak. These words only convey what exists rather than action. Eliminating them makes writing stronger and crisper because this strategy eliminates “weak subject/verb combinations, such as *there* and *it is* when *there* does not refer to a place and *it* does not refer to a thing.”²⁵ Jacobson offers several examples of how to deal with the problem of *to be* verbs in our legal writing, and explains why doing so helps achieve writers’ goals of shortening our writing, avoiding the passive voice and strengthening our message.

“Example: *There is a requirement that the court receive the petition within 70 days.* In this sentence, the *to be* verb is gratuitous (unnecessary) because the sentence includes two other verbs, *require* (in the form of a nominalization) and *receive*. Eliminating the *to be* verb and combining the two action verbs leaves a much stronger (and shorter) sentence: *The court must receive the petition within 70 days.* Eliminating the use of *to be* verbs has another delightful side effect: it eliminates nearly all passive voice. Passive voice occurs when you put the object of a sentence in the subject. The subject should contain the actor and the verb should contain the action of the sentence. When that does not occur, the reader has to interpret a sentence to determine who the actor is and what action occurred. If the sentence does not include the actor, the sentence becomes ambiguous and the reader may not understand what the writer meant to say. Passive voice involves a *to be* verb plus a past participle (verb + ed). Therefore, editing for unnecessary *to be* verbs will also help to eliminate passive voice. Example: *Both issues were determined by the jury in favor of the plaintiff.* In this sentence, eliminating the *to be* verb will eliminate the passive voice: *The jury determined both issues in favor of the plaintiff.*”

The phrase well-oiled machine is a metaphor for something that operates effectively, whether that be an organization or in our case legal writers. We should strive to produce work product that will have our audiences believing we are well-oiled writing machines. Eliminating *to be* verbs whenever possible will help advance this goal. No one can deny Shakespeare’s brilliance, but while Hamlet’s famous *To be or not to be* speech has made for great reading and play watching over the centuries, we legal writers are not Shakespeare. So, the answer to the question posed in subtitle 6 of this article is now obvious.

²⁵ *Ibidem*.

7 Use Verbs Like a Pro!

A common theme in our paper is that the proper use of verbs makes our writing more concise. This section demonstrates another strategy for tightening up our legal writing, making it both more forceful and easier to digest. Schiess,²⁶ in his excellent article on editing for concision, recommends that we use proverbs and elided verbs. These are two terms that even most native English speakers may not be aware of so let us first define them. A *pro-verb* is a verb that replaces a noun, and is parallel in meaning to a pronoun. Schiess states that the most common pro-verbs are *do* and *do so*. Elide²⁷ means to leave out or strike out. To elide something is to omit it or get rid of it. Politicians are frequently asked questions about their policies and what we can expect from them if they are elected or reelected to office. Skilled politicians will almost always elide certain topics that are too controversial or negative, and will elide data or information that they are too uncomfortable acknowledging.

Schiess provides examples of how to employ the pro-verbs *do* and *do so* to strengthen and tighten your writing. His two examples substitute *do so* for *order a new trial*. Example 1: “The court has the authority to order a new trial, but it should not order a new trial for three reasons.” Here is the revised sentence using the pro-verb: “The court has the authority to order a new trial, but it should not do so for three reasons.” Use of the pro-verb saves two words, but more importantly, prevents repetition.

Schiess, in Example 2, demonstrates how legal writers can also “elide verbs” where they are understood in order to further shorten the sentence while making it even more forceful. He does this by further removing words from the second verb phrase: *should not do so* becomes simply *should not*: “The court has the authority to order a new trial, but it should not for three reasons.” In conclusion, by using both pro-verbs and elided verbs to improve concision, the original sentence, which consisted of 21 words, has been pared down to 17 words. This may not seem like a huge savings on words. But it is. When writing always be considerate of your audience and their precious time. Your readers will appreciate the effort you put into your writing and your messages will have more profound impact when stated as directly as possible.

²⁶ W. Schiess, op. cit., p. 36.

²⁷ The word elide comes from the Latin *elidere*, meaning to strike out or force out.

8 In Praise of Phrasal Verbs

We suspect that, as is the case with pro-verbs and elided verbs, discussed in the previous section, many reading this paper, and indeed even many native English speakers, do not know what a phrasal verb is, although they use them all the time. A phrase is defined as a small group of words standing together as a conceptual unit. Accordingly, phrasal verbs are phrases which consist of a verb used together with another word or words, usually a preposition or an adverb.²⁸ For example, if we consider *speak* as the basic verb together with the preposition *up*, we might form the following sentence (spoken by the judge in court): Please *speaking up* so that the jury can hear you. This sentence means to speak loudly. In short, phrasal verbs are multi-word verbs that, like singleword verbs, convey action of the body or mind (e.g., *speaking up*, *figure out*, the latter which means to determine something) or occurrences (e.g., *turn up*, which means something will show up).

Phrasal verbs bear a similarity to idioms²⁹ in the sense that the latter also consist of a phrase (two or more words) that has a unique meaning that cannot be deciphered by defining the individual words. Non-native English speakers often are curious about idioms and enjoy learning them, although they can be bedeviling for the very reason that the phrase conceptually can be very confusing. For example, the idiom *over the moon* has nothing whatsoever to do with the moon. Rather, it means being very happy or delighted. If your friend is *beating around the bush* they are not talking about gardening or bushes! Further, no one is taking a beating! Instead, they are avoiding speaking with you about something directly. The problem with phrasal verbs, as with idioms, is that they often have different meanings from the basic verbs that they use. We have already seen this with the example of *speaking up*. Interpreted literally, this phrase would mean to talk while looking up. In reality, as a phrasal verb it means to speak loudly.

Why are phrasal verbs important? The answer is multifactorial. First, as with other idioms, they are used with frequency and so it is important to know they exist and to try to learn them. If you see a verb together with a preposition or adverb, and you are confused about the meaning, you will now be alert to the possibility you are

²⁸ Phrasal verbs are sometimes aptly called ‘two-part verbs’ and ‘three-part verbs.’

²⁹ The word *idiom* is derived from the ancient Greek word *idioma*, which means a peculiar phraseology.

encountering a phrasal verb. They are extremely common both in legal writing and oral discourse and that makes them essential to mastering the language. Using them will help you express yourself with more ease. In fact, sometimes using a phrasal verb is the only way to express an idea. The following are some phrasal verbs that you will frequently encounter in legal writing and discourse.

The phrasal verb *carry out* means to perform. Standing alone, the words would mean to carry something (as in groceries) out from the store to the car and home. In legal parlance, as agent of the client, the lawyer is expected to *carry out* the client's instructions. *Depart from* would ordinarily mean to leave from Point A (e.g. Paris) to go to Point B (e.g. London). Indeed, at any train station we can hear announcements about: The train to London now departing from Platform 8. All aboard! However, as a phrasal verb *depart from* means to behave or act in a manner that is different or at variance from what is usual or expected. For example, the unfortunate attorney appearing before the disciplinary board for failing to *carry out* their client's specific instructions is now being reprimanded: Counsel, we have determined based on all evidence presented that you *departed from* the instructions you were specifically provided by your clients. Accordingly, we are placing you on probation for one year and you are ordered to take 10 additional hours of continuing legal education in the area of professional responsibility. You are also being fined \$10,000.

Ordinarily, we might think of the phrase *enter into* as connoting movement, such as walking into or entering a building. However, in legal terms, this phrasal verb means to begin or become involved in a formal agreement. For example: The City of London and a group of developers *entered into* a Memorandum of Understanding that the project would move forward on the terms and conditions set forth in the document. As another example: Following the successful mediation session, the parties *entered into* a binding agreement that contained the terms of the settlement. The parties went to court and placed the agreement reached *on the record*. On the record in this context is simply an idiom, meaning into the court's official proceedings record (as opposed to a musical record).

Here is one final example. *Fall apart*. A non-native English speaker might not have the slightest idea what this means. And with good reason! The word *fall* is clear enough³⁰. Such as in: Robert suffered a *fall* and was badly injured. Or using the past tense: Robert fell off of his skateboard and broke his leg. But then there is that tricky second word: *apart*. *Apart* means to one side or away from each other. For example, The two shops were about a mile apart from each other. However, as a phrasal verb *fall apart* means to break down. As an example: The parties negotiated all day and were very close to a resolution of the case. But at the last minute the negotiations *fell apart* over the issue of attorney fees and costs.

Most of the guidance we have offered in this article might be considered as positive steps you can take with verbs to improve your writing. Our discussion of phrasal verbs might be considered more negatively. In other words, as a general rule, since legal writing is formal, we caution against using phrasal verbs or other idioms as they are often considered too informal or colloquial. Nevertheless, they do have their place in legal writing and most certainly in legal oral discourse and it is imperative that you understand them.

9 Conclusion

Hey (2023)³¹ provides a wonderful summary of the importance of verbs in our writing, and her conclusion applies to those of us in the legal profession as well.

“Verbs are the backbone of English sentences, a kaleidoscope of actions and states that give depth and dynamism to our language. Whether you’re stringing a simple sentence or weaving a complex narrative, mastering the different kinds of verbs is essential. They’re the conductors of clarity, the architects of articulation, and the essence of expression. Embrace the intricacies of verbs, and watch your writing transform from monochrome to a burst of technicolor brilliance.”

³⁰ Well, not really. *Fall* also has a seasonal meaning, being synonymous with the word *autumn*. Homonyms are words which sound alike or are spelled alike but have different meanings. Homonyms are frequent in many languages, English included, adding to the difficulty in learning any language fluently. *Principal* and *principle* is another common example, with both words having distinct legal meanings. In agency law, the client is the *principal* and the attorney the *agent*. *Principal* also means the headmaster of a school. A *principle* of law means a rule or an idea.

³¹ R. Hay, *op. cit.*

We have attempted to provide a concrete list of the most important strategies to help ensure your action words are not diluted through careless, lazy or sloppy writing. Here is a recap of those strategies:

1. Be sure to always Mind the Gap! To do this, make sure the subject, verb, and object in your sentences do not stray too far from each other.
2. Do not be Passive. Get Active! Remember Stanley, the Vitality Insurance mascot that encourages us all to Get Active! Staying active will help us live longer and will make our legal writing more forceful and memorable.
3. Nominalization is a Verb's Lament. Nouns are important but do not weaken your action verbs by converting them into further nouns. Doing so undercuts your writing by making it verbose and rambling. Think of that poor verb sitting in the tavern. In our writing let's help us cheer that poor guy (eh hem, Verb) up!
4. To be or not to be. That is the question posed by Hamlet in his famous soliloquy. We hope we have given you convincing reasons to eliminate, whenever possible, *to be* verbs along with the words *is, am, are, was, were, be, been* and *being* because they fail to convey action, and thus are weak. These words only convey what exists rather than action. As with action moviemakers, we legal writers want to keep our stories moving too, regardless of our specific audience. Using action words will keep our readers hanging on our every word. Should that not be the goal of our writing?
5. Use Verbs Like a Pro! Use pro-verbs and elided verbs whenever possible. A central theme of our article is to write with concision by properly using strong verbs. Using pro-verbs and elided verbs helps eliminate weaker nouns and will condense your legal writing. Your readers will appreciate having to spend less time consuming your message to them.
6. And please do not forget phrasal verbs. Just as you need to be mindful of the gap, you do need to be equally mindful of not littering your legal writing with informal words and phrases. On the other hand, there will be occasions where phrasal verbs will be necessary and it is important that you know what they are and how to recognize them.

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Naslov v slovenskem jeziku

Dilsuz: Luči, kamera, akcija: moč glagolov. Pisne strategije za zagotovitev, da vaši glagoli ne bodo oslabljeni zaradi površnega in nepazljivega pisanja

Povzetek v slovenskem jeziku

Besedne vrste so hrbtenica angleškega govora in pisanja. Sestavljajo jih samostalniki, pridevniki, glagoli, prislovi, zaimki, členi, predlogi, vezniki in medmeti. Ta članek se osredinja na glagole, ki so običajno besede dejanja. Glagoli oživijo govor in pisanje. Nepazljiva uporaba glagolov pisanje močno prizadene.

Oslabi ga in s tem zmanjša živahnost pisane besede. Avtorja analizirata glavne načine nepravilne rabe glagolov. Hkrati podata lahko razumljive, konkretne primere, kako se izogniti pastem nepravilne rabe glagolov. Pravilna raba glagolov je namreč pomembna

Ključne besede v slovenskem jeziku

Preprosta pravna angleščina, glagoli, nominalizacija, pravno pisanje, pravniški žargon.

