

**Legal Research and Writing I – Group 3**  
**Professor Butler**  
**Fall 2011**

**Common Writing Errors**

1. Homonym Errors

a. Principle vs. Principal

Ex: The principal principle of any elementary school is that the principal have principles.

b. Affect vs. Effect

Ex: John affects the game negatively, with the effect being that my affect is dulled.

c. There vs. Their

Ex: There is a place there where their dogs play.

2. Its vs. It's

Ex: It makes me happy that it's going to rain while I am at McDonald's, even though its Play Land does not have a roof.

Tip: It's = It is, contraction. Its = possessive pronoun, like his or her

3. Possessives instead of Plurals

Not: They could see their daughters in the outfield, but they did not see their **daughter's** post-game embrace.

Not: Generally, the courts impose strict limitations on **families'** who request punitive damages.

Not: The **Cochran's** felt threatened by the voicemail message, which the **Cochran's** construed as a death threat.

Ex: My daughter's family is comprised of her husband, two boys, and twin girls. The twins' school friends attended the birthday party.

4. Singular Entity = "It" (not "They")

Ex: I really enjoyed working for IBM. It is a great company.

5. Unnecessary Prepositional Phrases (Affects # 7)

Not: Although they did not comprehend the impact of the collision . . . .

But: Although they did not comprehend the collision's impact . . . .

Not: The children of the victim heard the call over the loudspeaker.

But: The victim's children heard the call over the loudspeaker.

Not: The accident was so traumatic as to leave no doubt regarding the severity of the injuries suffered by her relatives.

But: The accident was so traumatic that it left no doubt about her relatives' severe injuries.

#### 6. A Statement From A Case Without A Supporting Citation

Ex: By contrast, in Yurick, the court held that a supervisor's occasional insults to a subordinate did not constitute outrageous conduct. [cite.] Specifically, the supervisor, Yurick, called the employee, Antonetti, "senile" and "a liar." [cite.] He made these comments in front of a co-worker and a UPS driver. [cite.] In granting Yurick summary judgment, the court found the supervisor's insults "offensive" but not outrageous. [cite.]

#### 7. Unnecessary Wordiness

Not: The court devised this rule in order to limit the liability claims for battery, which would, therefore, prevent disproportionate costs being assigned to the defendant in cases of minor harm.

But: The court devised this rule to limit battery claims, ensuring that recovery is proportionate to the defendant's conduct.

Not: In sum, only in the most clear cut of circumstances where the plaintiff was badly hurt have the California higher courts allowed for damages for a claim of battery.

But: In sum, the California higher courts have allowed damages for battery claims only where the plaintiff clearly was badly hurt.

#### 8. Missing Words

Not: Ms. Smith, while her view [ ] obstructed by a 10ft. tall x 30ft. wide theater piece . . . .

Not: The daughters of the victim heard the call for a thoracic surgeon over the loudspeaker, became worried about their [ ], and later sued for negligent infliction of emotional distress.

#### 9. Citation Errors

Not: Id.

But: Id.

Not: Id. 509 – or – Harris, 238 Cal. Rptr. 509

But: Id. at 509 – or Harris, 238 Cal. Rptr. at 509.

10. Typographical Errors

Not: Wilkes v. Stat [when the second party is State]

Not: Zander [when the client’s name is Zanders]

Not: The statue [when you mean to say the statute]

11. Interchanging Singular and Plural References

Not: In California, the liability of **a dog owner** occurs regardless of **their** knowledge.

Tip: If you use a singular pronoun, pick a gender, or use the same phrase consistently, e.g., “the owner.”

12. Modifier Problems

Not: Ignoring orders to return to their cells, one officer was taken hostage by an armed inmate and other inmates began breaking furniture.

But: Ignoring orders to return to their cells, the inmates began breaking furniture, and an armed inmate took an officer hostage.

Not: One customer, inquiring as to whether the Polaroid “Alpha” camera was a Pignons’ product, was found to be feeble evidence of actual confusion.

But: One customer’s inquiry as to whether the Polaroid “Alpha” camera was a Pignons’ product was found to be feeble evidence of actual confusion.