

Q. A few years ago a visiting legal writing consultant gave a seminar in which he warned against using unnecessary words, including the relative pronoun *that*. Apparently the partners of the firm took that admonition to heart, for when I joined the firm, I discovered that all the lawyers in the firm completely avoid the use of the word *that* to introduce a relative clause. Sometimes this leads to ambiguity, as in the sentence, “Jones cannot establish her gender motivated defendant’s actions.” My position is that not every *that* should be deleted. What are your thoughts?

A. I agree. The writing consultant’s advice that brevity is desirable is correct. But like most rules, this one sometimes doesn’t apply to all situations, and the sentence quoted is one of those situations. Unless you add *that* before *her gender*, the sentence implies that *gender* is the object of the verb *establish* and means that Jones cannot establish her own gender. The sentence must be re-read to understand its meaning, and that wastes more time than is gained by omitting the relative pronoun *that*.

When the writing consultant advised the lawyers to avoid the relative pronoun *that*, he should have added a caveat: Don’t omit *that* if the omission causes misunderstanding or ambiguity. You can safely omit the pronoun *that* from the following two sentences:

The book that I put on my desk has disappeared.

The door that he was standing in front of suddenly closed.

But if you omit the pronoun *that* from the next two sentences, you get nonsentences that make no sense. The relative pronoun *that* tells the reader that a relative clause will follow:

Arguments [that] are invalid indicate ignorance of the subject.
Books [that] are overdue must be returned.

Journalists have now begun to delete the pronoun *that* from the phrase *the fact that*, producing sentences like, “The fact the defendant elected to represent himself. ...” Because the phrase *the fact that* is traditional, though wordy and

often unnecessary, I would omit the entire phrase, not just the pronoun *that*.

Here are some common phrases from which *the fact that* can be deleted:

The fact that the defendant was negligent ...

The fact that he has succeeded ...

In spite of the fact that ...

Q. Which is correct, “I feel bad” or “I feel badly”?

A. This subject has puzzled other readers in the past but has not been asked recently, perhaps because the question, “How are you feeling?” has been replaced by, “How are ya doing?” (And the answer to that question is often “I’m doin’ good.”)

To answer the reader’s question: One feels bad (not badly) if he or she feels either “ill” or “regretful.” *Feel* is a linking verb and linking verbs are followed by adjectives, not adverbs, unlike ordinary verbs. Other linking verbs are *be*, *seem*, *look*, *smell*, *sound*, and *taste*. The following constructions are both correct:

The defendant *looked* hopeful.

The defendant *behaved* badly.

However, because ordinary verbs are followed by adverbs, many persons use the adverb *badly* following linking verbs and say “I feel badly.”

The effect of linking verbs on ordinary verbs is seen in the choice of *good* or *well*. *Good*, the adjective, is properly used following linking verbs in the following sentences:

That tennis player is good.

The dinner smells good.

That color looks good.

The music sounds good.

But, by analogy, many persons also use the adjective *good* when they should use the adverb *well*, after ordinary verbs. This error results in the following incorrect sentences:

The halfback played good in the last quarter.

The car runs good since I had it tuned up.

In these two sentences, and in any sentence containing ordinary verbs, use *well* after the verb, not *good*. Thus,

The halfback played well ...

The car runs well ...

But when was the last time you heard a sports reporter say that a player “played well” (or “performed well” or “ran well”)? *Good* has virtually replaced *well* in spoken English, not only in sports reporting but also in the language of most persons under 40, and the usage is fast becoming acceptable.

From the Mailbag

Norfolk, Va., attorney Samuel J. Webster re-read the February “Language for Lawyers” column and then wrote to chide me for failing to urge the deletion of the *there* construction when I answered another reader who asked whether to use the singular *there’s* in a sentence like, “There’s not enough judges. ...”

Instead of telling the reader to avoid the *there* construction, I merely told him that the number of the verb would depend on the noun that follows. Attorney Webster is right; I was remiss in ignoring the larger grammatical question about the *there* construction, although I have discussed it in previous columns. So let me add here that deleting the phrase *there is* will make your writing more precise and brief. In a future column, I’ll expand on that statement. **TFL**

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