| Language for **Lawyers** |

• Is it proper to say and write "he graduated college"? I was taught that "he graduated from college" was correct.

• "He graduated from college" is the correct statement, because graduate is still an intransitive verb, although some people use it as if it were a transitive verb. Although transitive verbs require a direct object, intransitive verbs do not. Some verbs can be either transitive or intransitive; for example, the verb run is intransitive in the sentence, "Time is running out," and transitive in "The owner runs his business."

The verb *graduate* came into Middle English from Middle Latin with the meaning, "to confer a degree," so that originally the only correct English was, "She was graduated from college. ..." In other words, the college conferred the graduate degree on the woman. But popular usage gradually changed that to "She graduated from college," thereby also changing the verb *graduate* into an intransitive verb and the recipient of the degree into its grantor.

Currently popular usage seems to be retaining *graduate* as a transitive verb but deleting the preposition *from*. "She graduated college," like the statement "Fly Delta Airlines," ignores standard English syntax and makes no sense. You can no more "graduate a college" than you can "fly an airline."

Incidentally, here's a fact that you, as a native speaker, have always known but never thought about. The pronunciation of *graduate* differs depending on whether it is a verb, or a noun, or an adjective. That can be said about a number of other verbs when they become nouns or adjectives. That change applies to other verbs, like *deliberate*, *precipitate*, *consummate*, *duplicate*, *separate*, *approximate*, and *initiate*. You can probably add other examples to that list.

Then there are words that retain the same pronunciation but have two opposite meanings. Take the word *stay*, for example, one of whose meanings is "to stop" or "to postpone." That verb came into Middle English spelled *steyen* ("to halt") around the time of Chaucer.

Both as a noun and a verb, *stay* had the meaning of suspension of activity and still does. A mandate or legal action can be "stayed," and a criminal can be granted "a stay of execution." The Latin term *stare decisis* came directly into legal English with the meaning "to stand as decided."

But *stay* also implies "to continue on." Ronald Reagan used it to mean "to persist in an action or policy" during his 14-state campaign for President, and it became a favorite of the elder George Bush during his presidency, cementing its new meaning. So we are left with a word that can mean either of two opposites: "halt" or "continue on course," and its meaning can be decided only by the context.

Another word frequently used in legal writing is *sanction*, which can mean either "to approve" (as in "One should never sanction violence.") or "penalty," (as in "Official sanctions are being considered against opponents."). The noun *oversight* can mean "unintentional error" or "supervision." In the sentence, "I apologize for my oversight in omitting my opponent's name," *oversight* means "unintentional error." But in the sentence, "The Senate committee has oversight on its subcommittee's proceedings," *oversight* means "supervision"

The verb *cite* has three possible meanings. It can mean "to commend," as in "He was cited for bravery." It has a neutral meaning ("to point out") in "He was cited as a typical law student." But it also has a pejorative sense—"to summon before a court of law"—in the sentence, "He was cited for a traffic violation."

Both poets and judges understand the power and elusiveness of words. Emily Dickinson wrote:

A word is dead when it is said, some say.

I say it just begins to live that day.

And Justice Oliver Wendell Holmes Jr. wrote in a decision (245 U.S. 418): "A word is not crystal, transparent and unchanging; it is the skin of a living thought and may vary greatly in color and content according to the circumstance and the time in which it is used."

From the Mailbag I

Pittsburgh, Pa., attorney Victor Siclari disapproved of my contraction of there is to there's. Regarding my sentence, "There's been a change of plans by the administration," he wrote, "I don't believe that there's is correct as a contraction of there has." There's is correct, however, and widely used in statements like, "There's been a change in the weather." (Are you old enough to remember that song?) The 's replaces has. The present tense would be is: "There's a change in the weather."

From the Mailbag II

One reader criticized my use of the possessive case with an inanimate object in a recent column. Specifically, he disliked, "The TV's stand was broken," because (he wrote), "TVs don't own stands." True enough, but the possessive case denotes constructions other than possession: for example, a week's delay, two cents' worth, a moment's notice, and for beaven's sake.

Erratum

My apology to Attorney V. John Ella for incorrectly stating that he had asked about the difference between *farther* and *further* (in the June column). Instead, he had commented about the ambiguity resulting from deleting the word "that." His comment appeared in the July issue. **TFL**

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