



February 6, 2017

## Writing Tip of the Week

### Misplaced Modifiers

Modifiers are single words, phrases, or clauses used to elaborate on a word or concept within the sentence. When working with modifiers, remember to keep the modifiers close to the words or concepts they modify.

#### 1. Some Common Words are Often Misplaced.

Words such as *almost*, *also*, *even*, *ever*, *exactly*, *hardly*, *just*, *merely*, *only*, and *barely* should be placed immediately before the words they modify. Notice how the placement of *only* radically changes the meaning in the following sentences:

*Only* the defendant thought that the car was rented. (*No one but the defendant thought that.*)

The defendant *only* thought that the car was rented. (*He did not know for sure.*)

The defendant thought *only* that the car was rented. (*He thought one thing, nothing else.*)

#### 2. Place Modifying Phrases and Clauses Where Readers Can Recognize What They Modify.

**Misplaced**— Many pedestrians are killed each year by motorists *not using sidewalks*.

**Revised**— Many pedestrians *not using sidewalks* are killed each year by motorists.

#### 3. Move Awkwardly Placed Modifiers.

A word or group of words that modifies a verb, adjective, or adverb should not come between a verb and its direct object.

**Misplaced**— The hurricane destroyed *completely* the city's tallest building.

**Revised**— The hurricane *completely* destroyed the city's tallest building.

While single word adverbs can come between a subject and its verb, placing adverbial phrases in this position often causes awkward sentences.

**Misplaced**— Galveston, following the hurricane of 1900 that killed thousands, built a seawall to prevent future catastrophes.

**Revised**— Following the hurricane of 1900 that killed thousands, Galveston built a seawall to prevent future catastrophes.

#### 4. Avoid Split Infinitives of Modifiers When Awkward.

Placing an adverb (or adverbial phrase) between *to* and *its verb* is called a split infinitive. As a general rule, avoid split infinitives because they cause confusion.

**Misplaced**— The water level was predicted to *not* rise.

**Revised**— The water level was predicted *not* to rise.

**Misplaced**— The plaintiff should try to *if possible* avoid speaking out of place in the courtroom.

**Revised**— *If possible*, the plaintiff should try to avoid speaking out of place in the courtroom.

Frequently, courts are asked to construe modifiers. Under the **Doctrine of the Last Antecedent**, courts presume that drafters place modifiers next to what they intend to modify.

Adapted From: Effective Legal Writing—Block  
The Legal Writing Handbook—Oates, Enquist, & Kunsch  
The Penguin Handbook—Faigley  
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