

Grammar Diagnostic Test

Annotated Key

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Most of these sentences are based on errors found in actual student papers.

1. **This action was initiated to obtain one hundred percent ownership of the twenty-eight volumes of the storyboards "Pugsley, The Time Traveling Pup."**

This sentence is in the passive voice. Keep your eye on the verb. If it comes before the subject -- the noun that's taking the action (or if that noun is absent altogether), then the verb is likely in the passive voice. Here's the active voice: "The plaintiff initiated the action to obtain" **Subject** (the noun that takes the action) - **verb** - **object** (the noun that is acted upon). Here's the passive: "This action was initiated." This goes object – verb and the subject is omitted altogether.

Correct Answer: D

2. **Even construing the standard most favorably to Mr. Simmons and others similarly situated, rules that require plaintiffs to litigate where an accident occurred do not impose an undue burden.**

This sentence is correct.

Correct Answer: A

3. **This Court should apply the same minimum contact standard for in personam, in rem, and quasi in rem jurisdiction because all forms of personal jurisdiction affects the person.**

This sentence contains a subject-verb disagreement: "forms" is the subject of the clause, and the verb "to affect" must agree with that subject. The student made the verb "to affect" agree with "personal jurisdiction," which is singular, instead of "forms," which is plural.

Correct Answer: F

4. **In *Free Speech Coalition*, the Ninth Circuit suggested that the Act was unconstitutional. The court bases this conclusion on three recent Supreme Court opinions.**

This sentence contains a tense shift: a description of events that occurred in the same time frame, but using verbs that indicate different tenses. Here, "bases" is in the present tense, "suggested" is in the past tense.

Correct Answer: G

5. **It is unclear whether the candidate has the necessary drive, ambition, and whether he is qualified.**

Parallelism problem. Solve it by changing the clause "whether he is qualified" to "qualifications": "It is unclear whether the candidate has the necessary drive, ambition, and qualifications." This change makes the structure of all three items in the series the same.

Correct Answer: E

6. **Neither the Baynes procedure, nor the FBI's version of that procedure, satisfied due process requirements. This violated the 14th Amendment.**

Unclear pronoun: there are different choices for what "this" might refer to (The procedure? Use of the procedure? Due process itself? Failure to satisfy due process requirements?), but not one of those choices is clear. Remember, a pronoun "stands in the place of" a noun, and it's essential to know the noun to which it belongs. Unless the context clearly indicates otherwise, a pronoun should be placed in such a way that the sentence makes sense if your reader assumes that the pronoun refers to the noun it most closely follows. It probably refers to failure to satisfy due process, but "this" needs a clearer pronoun – referent relationship.

Correct Answer: H

7. **Under Texas law, does reasonable suspicion for a shopkeeper's privilege arise when patrons try on merchandise, handle products, and stand in one area for a long time?**

Awkwardly written, but not incorrect.

Correct Answer: A

8. **At this point, Ms. Bernard and her companion were asked to leave the room.**

This sentence is in the passive voice. "Ms. Bernard and her companion" = **object**; "were asked" = **verb**, and the subject is omitted altogether. This is like "This action was initiated." Active voice: "At this point, the judge asked Ms. Bernard and her companion to leave the room."

Correct Answer: D

9. **In *Madara*, a libel suit was brought against a performer for his comments, which were later published in a magazine and distributed to the forum state.**

"Suit was brought" is like "This action was initiated."; it's passive. To make it active, we need a subject to appear before the verb: "In *Madara*, the plaintiff brought suit against a performer"

Correct Answer: D

10. **The unique chancery court system in Delaware has enabled corporations to seek a sheltered legal environment for purposes of growth and security.**

No problems here.

Correct Answer: A

11. **These factors are relevant: whether each putative co-author contributed copyrightable material; whether the intent of the co-authors to produce a joint work is sufficient to create a joint work; or must the putative co-authors intend to share co-author status with one another.**

Not parallel. The fix is to make the third item in the series read like the other two: "whether the putative co-authors intend to share co-author status with one another."

N.B.: "With one another" is redundant with "share," but that's not among the errors reflected in the possible answers.

Correct Answer: E

12. **However, the same legal principles are applicable because the similarity in these two cases are that the properties in question are both located outside the United States.**

Subject-verb disagreement: the subject of the second "to be" verb is not "cases" (plural), but "similarity" (singular). Thus, the sentence must read "the similarity in these two cases is that"

Correct Answer: F

13. **Simultaneously, plaintiff was granted a sequestration of corporate stock based on the stock's statutory presence in Delaware.**

Same problem. "Plaintiff was granted" is like "This action was initiated": the subject is omitted, and the object precedes the verb.

Correct Answer: D

14. **To investigate the situation the merchant has the authority to confine a suspect.**

"To investigate the situation" is an introductory phrase, and must be set off from the rest of the sentence by a comma.

Correct Answer: C

15. **Downey's employed Mr. Urban as their loss prevention officer to prevent any criminal conduct from occurring within the store.**

"Downey's" is singular; the pronoun "their," which refers back to "Downey's," is plural. Correct by using "its" in place of "their."

Correct Answer: B

16. **In *Egermayer*, the court determined that the statute required a home-owner to pay association dues, but does not require prepayment of those dues.**

Tense shift: the statute "required" (past tense), but also "does not require" (present tense).

Correct Answer: G

17. **She went to Bush to obtain both a partial pardon and a commutation of Barry's sentence. Thus, she knew that it was within his official discretion.**

Every pronoun must "point" clearly to one noun. Here, "it" could be either the pardon or the commutation.

Correct Answer: H

18. **The *Community* analysis, applies to the present case.**

There's no reason for the comma. Leave it out.

Correct Answer: C

19. ***Peevyhouse* and *Wunder* are distinguishable because of the decreased value of the product and the increased cost of completion.**

This sentence is correct.

Correct Answer: A

20. **The appeals court affirmed the summary judgment, finding that there was reasonable suspicion to detain the appellant and that the time and manner of the detention were reasonable. The court bases its reasoning on the brevity of the detention and the unusual nature of the apparent consent the customer gave.**

Tense shift: "affirmed" (past tense) is inconsistent with "bases" (present tense). N.B.: When writing about a case, use the past tense.

Correct Answer: G

21. **To qualify as an employee, the criteria essentially requires the individual to be a "W-2" type of employee for tax purposes and to receive employment benefits.**

Subject-verb disagreement: "Criterion" is singular; "criteria" is plural and needs the plural verb form "require."

Correct Answer: F

22. **The professor entered into a written agreement that stated specific dates for work to be performed, a specific fee for full consideration of services to be rendered, and that the responsibilities of the professor were dramaturgical assistance and research to the playwright and director.**

The third item in the series is not parallel. A slight change in the wording of that item will fix the problem: "and the professor's responsibilities, including dramaturgical

assistance and research" This leaves us with "agreement that stated specific dates . . . a specific fee . . . and the professor's responsibilities. . . ." It's still wordy and awkward, but it's no longer incorrect.

Correct Answer: E

23. **The Copyright Act protects the expectation interest of each co-author in their copyrightable contribution by ensuring that subsequent unilateral refinements of the joint work do not give rise to a separate copyright.**

Noun-pronoun disagreement: "each" (like "every") is singular, so "their," a plural pronoun, is wrong. "His" is grammatically correct; "his or her" is also grammatically correct, and has the added benefit of being less likely to offend those of a certain sensibility (as well as the detriment of being awkward). The best solution is usually to make both the noun and its pronoun plural: "protects the expectation interests of authors in their copyrightable contributions"

Correct Answer: B

24. **After the store determined that it did not sell that particular brand of necklace, it released Ms. Bernard.**

This sentence is correct.

Correct Answer: A

25. **In the 1945 case *International Shoe*, the Supreme Court set forth the test that has come to be known as the "minimum contacts" standard.**

This sentence contains the passive "to be known".

Correct Answer: D

26. **Recognizing that protecting merchandise on display is problematic for shopkeepers, the Georgia legislature made an exception when certain situations, including shoplifting, occurs.**

Subject-verb disagreement: "situations" is the subject of the verb "to occur," which must be made plural to agree with its plural subject. Thus, the sentence should read "when certain situations, including shoplifting, occur."

Correct Answer: F

27. **Ms. Bernard showed the police officer a pendant she had around her neck that was her own.**

The pronoun "that" here has a comic effect: is the writer assuring us that the woman's *neck* wasn't stolen? Correct the unclear pronoun by moving it closer to the right noun: "Ms. Bernard showed the police officer a pendant that was her own [that] she had around her neck." The sentence still needs a rewrite for readability, but this revision is a start.

Correct Answer: H

28. **In *Newhard*, both the corporation and its investors were sued by the corporation's broker when the stock turned out to be unauthorized.**

Passive voice: the verb "were sued" comes before the subject "broker."

Correct Answer: D

29. **Each of the proposals poses significant problems of timing, funding, and where the building should be located.**

Not parallel. The series "timing, funding . . ." calls for another gerund ("-ing" word).

Correct Answer: E

30. **The event that the company hosted featured their logo prominently.**

"Company" is singular, so the noun that refers back to it must be also. Substitute "its" for "their."

Correct Answer: B

31. **The prosecution must prove its case beyond a reasonable doubt.**

This sentence is also correct; the noun "prosecution" is singular, and so is the corresponding pronoun "its."

Correct Answer: A

32. **The court decided that her willingness to remain and straighten out the misunderstanding did not show that it was the result of a threat and therefore did not constitute false imprisonment.**

Unclear pronoun: what noun does "it" restate? "Willingness," all the way at the start of the sentence? Apparently not, but if not, then what? This sentence needs to be completely rewritten.

Correct Answer: H

33. **Wilson never told anyone she wanted to leave, never attempted to get up and walk out, and the door was unlocked.**

This sentence is not parallel. Fix it by adding a subject to the verb "to attempt": "Wilson never told anyone she wanted to leave, she never attempted to get up and walk out, and the door was unlocked."

Correct Answer: E

34. **Motions for summary judgment often occur when one party believes that there is no discrepancy between its understanding of the facts and that of the other party, and the other party agreed.**

Tense shift: "believes" (present tense) versus "agreed" (past tense).

Correct Answer: G

35. **Leonia's failure to respect the boundaries of Vulpinia's territorial sea violated the Law of the Sea Treaty.**

This sentence is correct.

Correct Answer: A

36. **You could try shifting the burden, reversing the order, sliding the scale, or any other compensating measures, but that never works.**

Unclear pronoun: there are four choices for what "that" might refer to, but not one of those choices is clear. Remember, a pronoun "stands in the place of" a noun, and it's essential to know the noun to which it belongs. Unless the context clearly indicates otherwise, a pronoun should be placed in such a way that the sentence makes sense if your reader assumes that the pronoun refers to the noun it most closely follows.

Correct Answer: H

37. **The plaintiff can use force to their advantage.**

Noun-pronoun disagreement: "their" is a plural pronoun, and it refers back to a singular noun ("plaintiff"). Nouns that refer to institutions made up of many people are singular, not plural. Examples: Jury, corporation, legislature.

Correct Answer: B

38. **He attended the CLE program to learn about the latest advances in cyberlaw which is a fluid and expanding field of practice.**

The pronoun "which" makes sense when read as referring to the noun that immediately precedes it. Thus, there is no "unclear pronoun" error here. There is, however, a punctuation error: this sentence needs a comma before the "which." Texas Style Manual B:4:1.

Correct Answer: C

39. **His only contribution consisted of concepts that she incorporated into the storyboards that she designed, produced, and copyrighted.**

This sentence is correct.

Correct Answer: A

40. **Thompson intended to pay Mr. McDuffy a portion of any proceeds generated from a sale of the series, or, alternatively, a fair hourly wage for his labor and personal expenses.**

This sentence is somewhat awkward, but there are no errors.

Correct Answer: A

41. **Each member of Congress seeks to uphold their political values when legislating on matters that vitally affect the daily lives of American citizens.**

Same problem. Solution: "members [plural] of Congress seek to uphold their [plural] values"

Correct Answer: B

42. **In a series of opinions that Chief Judge Posner, wrote in the Eighties, the Seventh Circuit established leading doctrines in both contract and constitutional law.**

When it comes to punctuation, "when in doubt, leave it out." The comma after "Posner" doesn't belong.

Correct Answer: C

43. **By the time he gets back to his car, he sees the fire and immediately called the others to look.**

Tense shift: "gets" and "sees" (past tense), but "called" (present tense).

Correct Answer: G

44. **Every last one of the customers change orders at the last minute.**

Subject-verb disagreement: the noun closest to the verb isn't necessarily the subject of the verb. Here, the subject of the verb "to change" is not "customers" (plural) but "one" (singular).

Correct Answer: F

45. **The ordinance, does not employ the least restrictive means to restrict the possession of computer-generated child pornography, and therefore is unconstitutional.**

There's no justification for the first comma. Leave it out.

Correct Answer: C