

A Dictionary of Modern Legal Usage
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data, technically the plural of *datum*, has, since the 1940s, been increasingly often thought of as a mass noun taking a singular verb. But in formal contexts it is preferably treated as a plural—e.g.: “If new *data* do not fit, either the system must be modified to accommodate *them*, or *they* must be modified to fit the system.” John H. Merryman, *The Civil Law Tradition* 67 (1969).

But many writers lapse—e.g.:

- “No finger was lifted to ascertain whether some of the *data* was [read *data* were] available.” *Boreri v. Fiat S.P.A.*, 763 F.2d 17, 23 (1st Cir. 1985).
- “It was equally apparent that the *data* gathered on Law and Psychology was [read *data* . . . were] not amenable to such categorization.” Elizabeth V. Gemmette, *Law and Literature*, 23 Val. U.L. Rev. 267, 268 (1989).
- “Currently there is no *data* available [read *are no data* available] that *measures* [read *measure*] the qualitative differences in how defendants of different races are treated at the various stages of the criminal justice system.” Lola Velázquez-Aduilú, *Not Poor Enough*, 2006 Wis. L. Rev. 193, 209 (2006).
- “Although *data* raises [read *data* raise] doubt as to the validity of these perceptions, state legislatures responded by introducing accountability and punishment into juvenile court legislation.” Kristin Henning, *What’s Wrong with Victims’ Rights in Juvenile Court?*, 97 Cal. L. Rev. 1107, 1113 (2009).

The *Oxford Guide* allows the singular use of *data* in computing and allied disciplines; whether lawyers own computers or not, they should use *data* as a plural.

In one particular context, though, *data* is invariably treated as a plural: when it begins a clause and is not preceded by the definite article. E.g.: “*Data* over the last two years suggest that the rate at which gay men get AIDS has finally begun to flatten out.” Lawrence K. Altman, *Who’s Stricken and How*, N.Y. Times, 5 Feb. 1989, at 1.

Datum, the “true” singular, is still used when a single piece of information is referred to—e.g.:

- “The latter statement merely states that a certain *datum* has not been located in records regularly made and preserved.” *U.S. v. Yakobov*, 712 F.2d 20, 26 (2d Cir. 1983).
- “This was not a case [in which] some ‘presumptively prejudicial’ *datum*, like an attempted bribe, had come to light.” *Neron v. Tierney*, 841 F.2d 1197, 1203 (1st Cir. 1988).
- “The purpose behind a motion to intervene is a relevant *datum* in the timeliness analysis.” *R & G Mortg. Corp. v. Federal Home Loan Mortg. Corp.*, 584 F.3d 1, 12 (1st Cir. 2009).

Because *data* is a count noun, *many data* is correct—e.g.:

- “Numerous expert and representative interests are consulted, and *many data* assembled, often over a long period.” Carleton K. Allen, *Law in the Making* 433 (7th ed. 1964).
- “But *much* [read *many*] of the *data* in present personnel files is [read *are*] highly subjective.” William O. Douglas, *Points of Rebellion* 21 (1970). (In that book, Justice Douglas twice used *data* as a plural on page 19.)

As a historian of the English language once put it, “A student with one year of Latin [knows] that *data* and *phenomena* are plural.” Albert C. Baugh, *The Gift of Style*, 34 Pa. B. Ass’n Q. 101, 105–06 (1962).

datum. See **data.**