

10-2017

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CU Commons Citation

Tenielle Fordyce-Ruff, Three Tips for Concise Writing, *Advocate*, Oct. 2017, at 56.

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Three Tips for Concise Writing

Tenielle Fordyce-Ruff

I'm just wrapping up the first unit of my legal writing class. During this time every year, I introduce my students to the 4 C's—four characteristics that should be present in every legal document.¹ Yes, every legal document should be clear, correct, complete, and concise.

In our class, we emphasize these principles repeatedly. All legal writers should strive to attain the 4 C's. To that end, this month I offer some tips for concision. After all, I don't know anyone who isn't a little too wordy in the first draft.

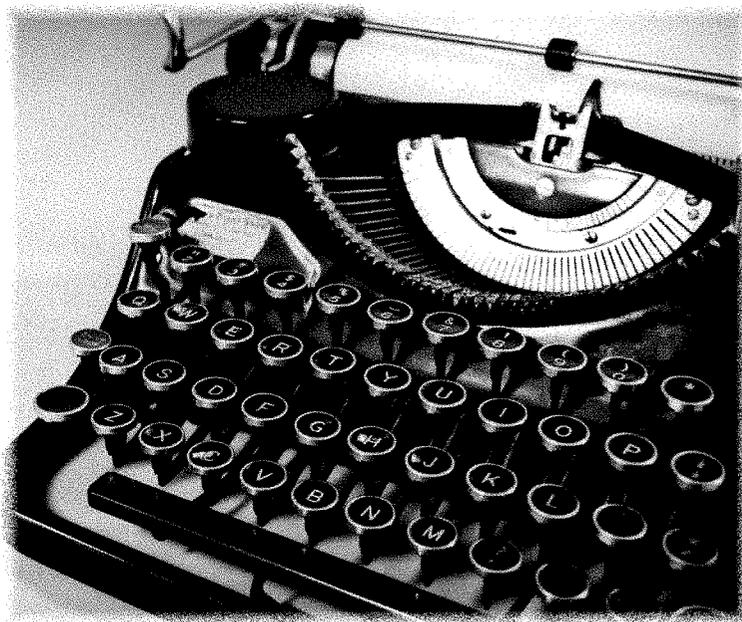
Let's look at three tips to remove wordiness that I have not previously covered: using possessives, omitting redundancy, and removing ostentatious, abstruse, and infrequently-used words.²

Use possessives

Some uninformed legal writers insist on never using an apostrophe. They maintain that inanimate objects cannot possess anything. But an object can possess qualities: The tire's air pressure, a coat's color, the car's insurance, etc. And, no grammar rule claims that inanimate objects cannot possess. Therefore, concise writing fears no apostrophe.³ Besides, avoiding possessives automatically creates cluttered sentence structure.⁴

To understand possessives' many benefits, consider the following sentence:

The vehicle of the defendant drove onto the property of the plaintiff damaging both the house of the plaintiff and the vehicle of an invitee of the plaintiff that was parked in the driveway of the plaintiff.



Did that hurt your head? It's a horribly wordy sentence (37 words!) and very difficult to understand. By using possessives it becomes much more concise and reader-friendly.

The defendant's vehicle drove onto the plaintiff's property, damaging both plaintiff's house and plaintiff's guest's vehicle that was parked in plaintiff's driveway.

The rewrite has only 22 words, and it is much less likely to make the reader's head throb.

Omit redundancy

"Language seems to be inherently redundant."⁵ Think about how often you've read or written "close proximity" or "mutual cooperation" or "close scrutiny." These are common redundancies where the words in each pair make the same point. The reader won't miss any meaning if you completely eradicate common redundant phrases from your writing.

While these redundancies are common to all writing, the law has

its own special redundancies: buy and purchase, own and possess, minor or child or infant, will and testament, pardon or forgive, attorney or lawyer, aid and abet, part and parcel, perform and discharge, cease and desist.

If using these common legal phrases doesn't add to the reader's understanding, using them merely doubles the number of words for the reader. If removing them won't change the meaning, do it.

Remove ostentatious, abstruse, and infrequently-used words

Or, put more simply—remove big words. Resist the urge to show off your amazing vocabulary and change "commence" to "start," "request" to "ask," and "allocate" to "give."⁷

Consider these sentences:

She committed to disseminating information via email to apprise and elucidate others of her position.

She promised to email the information to help explain her position.

We attorneys are highly educated and tend to have large, wonderful vocabularies. But restraining our sesquipedalian vocabularies helps readers focus on our content. Otherwise we risk our readers getting distracted and confused.

Conclusion

The next time you sit down to edit, look for “of” and use a possessive instead. Edit for redundant phrases and substitute clear language for overly large words. You might find these edits make your prose both easier to understand and it just sounds better.

Endnotes

1. Richard C. Wydick, *Teacher’s Manual to Accompany Plain English for Lawyers 2* (5th ed. 2005).
2. Of course, these aren’t the only tips you can use to make your writing more concise. If you’d like to review some more tips, see two of my earlier columns: *Cutting the Clutter: Three Steps to More Concise Legal Writing*, *The Advocate* (January 2011), where I cover removing wordy stock phrases, replacing weak verbs, and eliminating nominalizations, and *Five Tips to Combat Verbosity*, *The Advocate* (January 2013), where I discuss using active voice, concrete subjects, active predicates, parallel structure, and cleaning out clutter.
3. For tips on using possessives correctly, see my March/April 2015 column: *Feeling Possessed: The Use of Genitive Case*.
4. For an excellent discussion of why there is no such rule, see *Merriam-Webster’s Dictionary of English Usage* (1994), p 475.
5. Anne Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*, 119 (3d ed. 2009).
6. Id. at 119-120 (adapting Yvonne Lewis Day’s compilation of redundant phrases from “The Economics of Writing” in the August 1982 issue of *The Toastmaster*).
7. For a more complete list, see Joseph Kimble, *Plain Words (Part 1)*, 80 Mich B J 72 (August 2001) http://www.mich-bar.org/file_barjournal/article/documents/pdf4article315.pdf.

Common Redundancies (remove the words or phrases in parentheses)	
3:00 a.m. (in the morning)	(advance) warning
11:00 p.m. (at night)	alongside (of)
red (in color)	and (moreover)
(a distance of) twenty feet	appreciate (in value)
(a period of) six months	(as) for example
(absolute) guarantee	ascend (up)
(actual) experience	ask (a question)
(advance) planning	(as to) whether
at (the) present (time)	(at a) later (date)
(basic) fundamentals	emergency (situation)
belief (system)	(empty) space
(but) however	(end) result
(close) scrutiny	eradicate (completely)
combine (together)	(essential) element
(complete) monopoly	(established) pattern
(completely) destroyed	estimated (roughly) at
consensus (of opinion)	(false) pretenses
crisis (situation)	few (in number)
(current) trend	(foreign) imports
daily (basis)	free (of charge)
descend (down)	(future) plans
(different) kinds	(general) public
(direct) confrontation	healing (process)
during (the course of)	(important) elements
during (the year of) 2017	indicted (on a charge)
each (and every)	(integral) part
(many) (different) ways	is (now) pending
(mass) media	join (together)
merged (together)	(local) residents
my (own) opinion	(major) breakthrough
my (personal) opinion	recur (again)
never (at any time)	refer (back)
never (before)	reflect (back)
off (of)	reiterate (again)
(over) exaggerate	repeat (again)
(past) experience	reported (to the effect) that
(past) history	revert (back)
permeate (throughout)	risk (factor)
(personal) friendship	scrutinize (carefully)
(plan) ahead	(separate) entities
postponed (unit later)	shooting (incident)
(pre-) planned	specific (example)

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