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FIVE TIPS TO COMBAT VERBOSITY

Tenielle Fordyce-Ruff

Another member of The Advocate Editorial Board recently sent me a trial court's order directing the movant to file a new motion that concentrated on eliminating verbosity.¹ While I'm sure the attorney who received this order (which included the judge's redlined suggestions!) was humiliated, we shouldn't wait for a judge's invitation (or humiliation) to combat verbosity in our writing.

Instead, we should take every opportunity to write better sentences. Wordy sentences tend to be filled with poor constructions that break the readers' concentration, forcing them to stop and decipher our meanings. Yet, we all know that we don't communicate effectively if our sentences need translation.

The principle to writing better sentences is simple: Legal writing is often about characters doing actions. So it makes sense to use a subject-verb-object construction instead of burying the actors and actions. To help you write better sentences that narrate the action, we will examine five tips for writing shorter sentences: active voice, concrete subjects, active predicates, parallel structure, and cleaning out clutter.

Active voice

We have all heard that active voice is preferable to passive voice, but have you ever wondered why? First, passive voice can make sentences longer.² For instance:



A duty of care to the plaintiff was breached by the defendant when the slippery floor was left unmopped by the defendant.

This exact same idea can be expressed in many fewer words.

When the defendant failed to mop the slippery floor, he breached his duty of care to the plaintiff.

And, not only is this sentence shorter, it's easier to understand. That's because using passive voice also obscures the actor in the sentence, which can lead to confusion. Take this next example:

In balancing the interests, full factual development is needed in order to ensure the fair administration of justice.



So, who is doing what here? Because the writer has used passive voice, the reader can't understand this sentence. This confusion and obscurity can be cleared up, however, by using active voice — naming who is doing the action in the sentence.

In order for courts to balance the interests, the parties should fully develop the facts.

This fix helps the reader better understand the writer's meaning, and it's shorter.

Concrete subjects

Not only should we expressly state who is doing what, we should be concrete when drafting the subjects in our sentences.

The awarding of damages will be left to judicial discretion.

Here, the real action in the sentence is buried in the subject, and the real actor is hidden. But, putting the actor first makes for a shorter and better sentence.

The judge will decide whether to award damages.

Removing almost meaningless abstractions from our subjects also makes our sentences better. Abstractions like "nature of," "kind of," "type of," and "area of," add virtually nothing to a sentence and obscure the real actor and ac-

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tion. Notice how this sentence improves when a real person is used as the subject instead of an abstraction.

The nature of the defendant's argument was that he was temporarily insane.

The defendant argued that he was temporarily insane.

Active predicates

Enough about subjects! Let's cover the rest of the sentence. Shorter, better sentences use active predicates. (Gram-

mar refresher: Predicates are the part of a sentence that tells the reader about what the subject is or is doing.)

Sentences are better and more concise when we use short active verbs. They are more forceful, and more dynamic. This is because readers prefer to focus on the verb—the action. So, shorter, punchier verbs help advance the story and help the reader understand which facts are legally significant.

Yet, we legal writers tend to turn the action in our sentences into the subjects by using nominalizations.³ This deadens our writing. It shifts the reader's focus from the story and the facts to trying to discern your meaning. Take for instance: *The actions of the transit authority in firing appellants for criticizing fare increases were a violation of the appellants' first and fourteenth amendment rights.*

This sentence becomes more interesting and shorter when it uses an active verb:

The transit authority violated the appellants' first and fourteenth amendment rights when it fired them for criticizing fare increases.

(This fix has the added bonus of using an active verb and a concrete subject: transit authority.)

Parallel structure

An active verb isn't the end of the sentence, though. Sometimes we need to express a list of ideas after the verb. The actors in our sentences will have to do more than one active verb. When that's the case, we need to put the list into parallel structure. This coordinates the ideas for the reader, promotes clarity and continuity in your ideas, and helps the reader see the relationship of the items in the list.

Parallel structure is the use of similar grammatical form for coordinate elements. In practice, this means when we write a pair or a list, match nouns with nouns, verbs with verb, prepositional phrases with prepositional phrases.

Sentences that fail to use parallel structure tend to be long and difficult to follow.

An agency defense depends on whether the agent was acting as an extension of the buyer and not for himself, if the agent was motivated by compensation, and finally, was salesman-like behavior exhibited.

But, putting the three requirements into the same grammatical form (matching the verbs) makes this a much better, shorter sentence.

Finally, we can look for other places to tighten your sentences. We sometimes add words to our writing without adding any meaning. We throw in extra propositional phrases or use needless repetition.

An agency defense depends on whether the agent was acting as an extension of the buyer and not for himself, was motivated by compensation, and acted like a salesman.

Clear the clutter

Finally, we can look for other places to tighten your sentences. We sometimes add words to our writing without adding any meaning. We throw in extra propositional phrases or use needless repetition.

Let's start with this sequence:

At this point in time, we are in the process of filing a motion for summary judgment with the court.

At this point in time, we are in the process of filing a motion for summary judgment.

We are in the process of filing a motion for summary judgment.

We are filing a motion for summary judgment.

By cutting out the extraneous prepositional phrases, we took this sentence from 20 words to eight — without a loss in meaning.

We can also cut out needless repetition.

Ferguson described the car as an older model sedan that was green (in color).

For (a period of) three years, Bowman worked as a grocery store checker; but during (the year of) 2003 she was promoted to store manager.

Jones parked her car at 10:00 p.m. (at night) and did not return for it until 7:00 a.m. (in the morning).

None of these sentences needs the words in parenthesis. Our readers understand that green is a color, 2003 is a year, and 10:00 p.m. is at night. We shouldn't

waste words by explaining to them what they already know.

Conclusion

We can all combat verbosity by focusing on telling our readers a good story. Using real people as subjects and having them do real actions. This narrative structure not only makes our writing shorter, it helps our readers focus on our meaning. And because writing is often our best chance of telling our clients' stories, combating verbosity by focusing on the people involved in the case helps the reader better understand the story behind the case.

Sources

Helene S. Shapo et al., *Writing and Analysis in the Law*, 229-237 (5th ed. 2008).

Anne Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*, 69-76 (3d ed. 2009).

Endnotes

¹ A copy of this order can be found at <http://cdn.abovethelaw.com/uploads/2012/11/Merryday-Order.pdf>.

² For a refresher on finding and fixing passive voice, see my article, *Adding People to Your Writing: Eliminating Passive Voice and Vague "ing" Words*, in the November/December 2010 edition of *The Advocate*.

³ For a refresher on finding and fixing nominalizations, see my article, *Cutting the Clutter: Three Steps to More Concise Legal Writing*, in the January 2011 edition of *The Advocate*.

About the Author

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