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Adding Eloquence to Your Legal Writing with Figures of Speech

Tenielle Fordyce-Ruff

Lawyers write a lot, and write a lot under time constraints. But, at times the legal writer still wants to write eloquently. You may not want to take the time to add eloquence to every piece of writing. While it would be great if the email to a client could be more eloquent, it might not be worth the time. But other types of writing benefit from added eloquence.

Indeed, an eloquent brief is more persuasive. Yes, writing must first be clear, correct, and readable. And yes, the arguments themselves must be persuasive and supported by the law. But presentation matters.

Using rhetorical devices can convey your meaning in a more vivid and meaningful way. Using certain figures of speech can also motivate the decision maker to see the outcome your way. So, this essay will cover simile, metaphor, anaphora, antithesis, chiasmus, isocolon, metonymy, and synecdoche—figures of speech you can use to create a more clear, energetic, memorable, and striking written work.

Simile and metaphor

Similes and metaphors are likely the figures of speech you are most familiar with. They create comparisons. Similes are direct comparisons.

Writing is unfortunately like painting; . . . paintings have the attitude of life but if you ask them a question they preserve a solemn silence.¹



Metaphors are indirect comparisons. *[S]imple arguments are winning arguments; convoluted arguments are sleeping pills on paper.²*

Fresh and insightful similes and metaphors are more effective than stale, cliché-ridden, timeworn ones. Writing that something is *woven into the fabric of society* or that someone acted like *a wolf in sheep's clothing* suggests that your writing is on autopilot. Unfortunately, that means the reader can read it on autopilot.

A fresh simile or metaphor, however, grabs the reader's attention and makes him create new associations.



Legal contentions, like the currency, depreciate through over issue.³

Anaphora

You likely recognize anaphora. You likely have read famous works that employ anaphora. You likely have even used anaphora.

Anaphora is starting two or more sentences with the same word or words. Using anaphora — repeated words — joins phrases and ideas together. It will make your writing sound repetitive, but that's the point. It creates an impression. It's also very effective and powerful.

You can create anaphora in your writing by going back through a draft and determining what you would like to emphasize. Then add (or repeat) key words to create a link.

For instance, you have written:

Since Mr. Smith's departure, overall sales were down 5%. Specifically, red widget sales decreased by 3% and blue widget sales decreased 6%.

But, you want to emphasize that Mr. Smith's departure created the decline. You could re-write this with anaphora: *Since Mr. Smith's departure, overall sales dropped 5%. Since Mr. Smith's departure, red widget sales dropped 3%. Since Mr. Smith's departure, blue widget sales dropped 6%.*

Repeating the first clause to begin all three sentences makes this idea much stronger.

Like anaphora, antithesis repeats a familiar structure. Antithesis, though, juxtaposes contrasting ideas, words, phrases, or sentences to create balance.

Antithesis and chiasmus

Like anaphora, antithesis repeats a familiar structure. Antithesis, though, juxtaposes contrasting ideas, words, phrases, or sentences to create balance.

Bad arguments infect the good.⁴

To use antithesis effectively, you need to make sure the opposing parts of the sentence are in parallel structure. (Parallel structure is when parts of a sentence or sentences are in the same grammatical form.) Then, you simply need to create contrast within the parallel structure.

The touchstone of the First Amendment is not secularism, but pluralism.

Write simply and clearly; avoid jargon and legalese.

The court must refrain from basing its decision on its subjective view of the article: whether the article was good or poor, necessary or superfluous.

Chiasmus is a special form of antithesis. It puts parallel phrases in reverse order to make a point.

Ask not what your country can do for you — ask what you can do for your country.⁵

The careless lawyer betrays the language; and careless language betrays the lawyer.⁶

To create the balance and structure of antithesis or chiasmus, simply find an idea that you want to emphasize, but haven't expressed as well as you want. Then counter the language with balanced language to create the emphasis you want.

Isocolon

Isocolon can be used to make sentences with anaphora, antithesis, or chiasmus even more emphatic. Isocolon emphasizes parallel structure by using equal parts for the parallel elements.

Veni, vidi, vici

Let each man search his conscience and search his speeches.⁷

To create isocolon, look for parallel constructions in your writing, then revise to create the rhythm of isocolon.

Metonymy and synecdoche

These figures of speech use replacement to invoke an image. Metonymy replaces a word or phrase with a similar word that represents it. In some instances, the metonymy is more common than the actual term.

To create isocolon, look for parallel constructions in your writing, then revise to create the rhythm of isocolon.

For instance, the press frequently discusses *The White House* when it actually means the President and his staff. We sometimes use *Hollywood* to refer to professional actors and celebrities. Metonymy can be used to shorten your writing, and to create implicit assumptions.

In a suit against a bank, for instance, you could talk about *Wall Street* instead of the bank or the banking industry to create a negative impression.

Mr. Jones is an unfortunate victim of Wall Street's greed.

Synecdoche is a special form of metonymy. Synecdoche uses a piece of the whole as a replacement for the whole. *All hands on deck* is a replacement for as many people as possible. When we talk about our *new set of wheels*, we are really discussing our new car.

Conclusion

Now when you find yourself faced with a brief that needs a little emphasis, you can add a few figures of speech to help convey your meaning vividly.

Sources

- <http://grammar.quickanddirtytips.com/Figures-Of-Speech.aspx>
- <http://publicspeaker.quickanddirtytips.com/how-to-create-and-use-figures-of-speech.aspx>

Endnotes

¹Plato, *The Phaedrus* — a dialogue between Socrates and Phaedrus written down by the pupil of Socrates, Plato, in approximately 370 BC, from <http://www.units.muohio.edu/technologyandhumanities/plato.htm>.

²Alex Kosinski, *The Wrong Stuff*, 1992 BYU L. Rev. 325, 326 from <http://lawreview.byu.edu/archives/1992/2/koz.pdf>.

³Robert H. Jackson, *Advocacy Before the United States Supreme Court*, 37 Cornell L. Q. 1, 5 (1951).

⁴Ruggero J. Aldisert, *Perspective from the Bench on the Value of Clinical Appellate Training of Law Students*, 75 Miss. L.J. 646, 653 (2006), <http://www.olemiss.edu/depts/ncjrl/pdf/Aldisert75-3.pdf>.

⁵John F. Kennedy's Inaugural Address, January 20, 1961.

⁶Ethel Grodzins Romm, *Chiasmus and Contrast Can Help You Winn*, ABA Journal, Aug. 84, Vol. 70, Issue 8, p. 158.

⁷Winston Churchill Speech to the House of Commons, June 18, 1940.

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