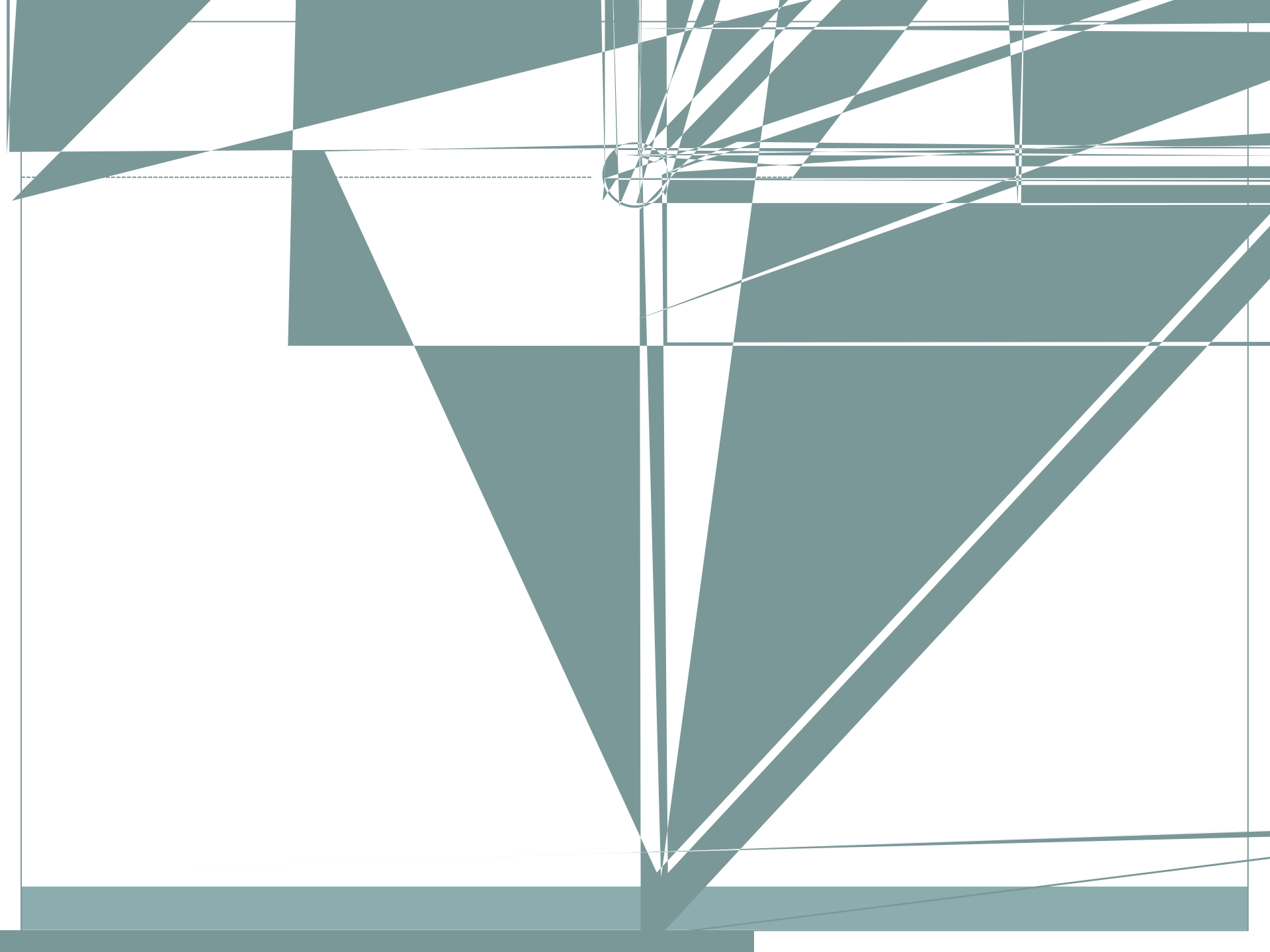
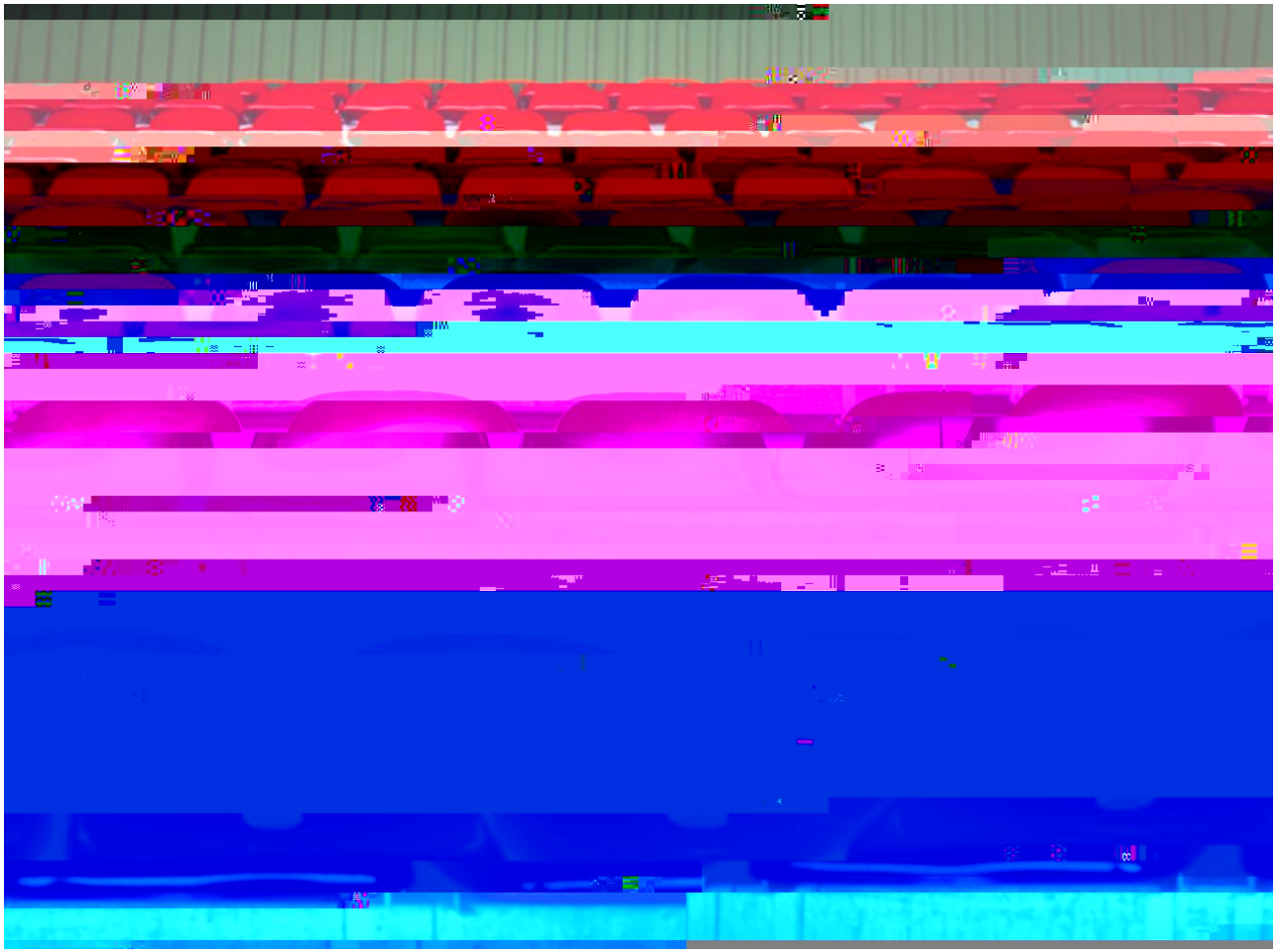
- Concision: Eliminating clutter from your sentences





Eliminate Empty Phrases

Despite the fact that	Although
In some instances	Sometimes
For the duration of	During
He was aware of the fact that	He knew
At that point in time	Then
For the reason that	Because
It should be noted that	[Omit]

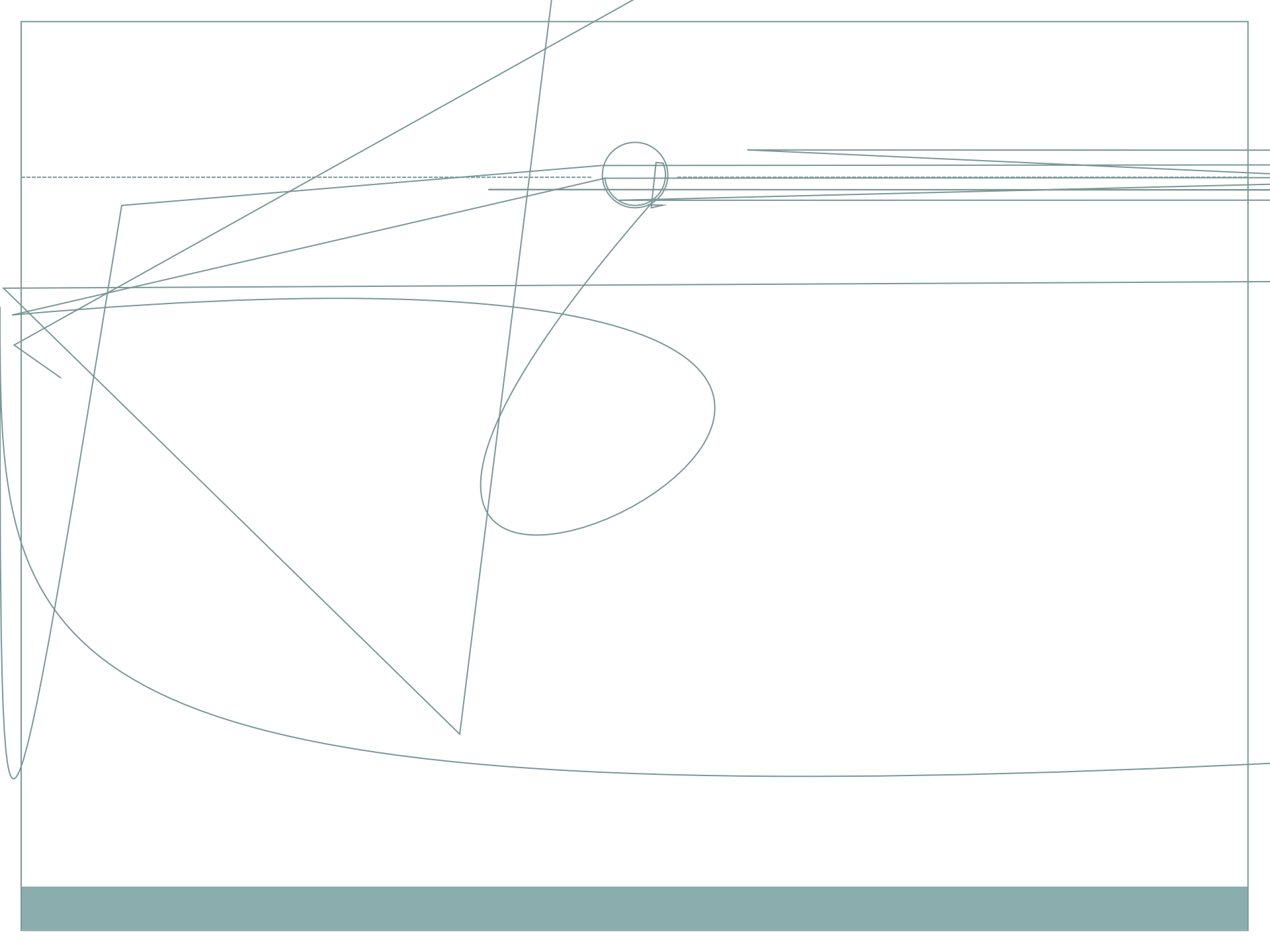
Eliminate Empty Phrases

- Example: There are three reasons that the employee fails to meet the city's residency requirement.

- Revised: The employee fails to meet the city's residency requirement for three reasons.

Exercise: Circle empty phrases and rewrite:

- In the event that there is a dispute regarding any Agency invoice, Client agrees to pay the undisputed amount and to withhold only the amount that is in dispute. (29 words)



Avoid Nominalizations

- Thus, parties often:
  - Take action, rather than act
  - Make a decision, rather than decide
  - Reach agreement, rather than agree

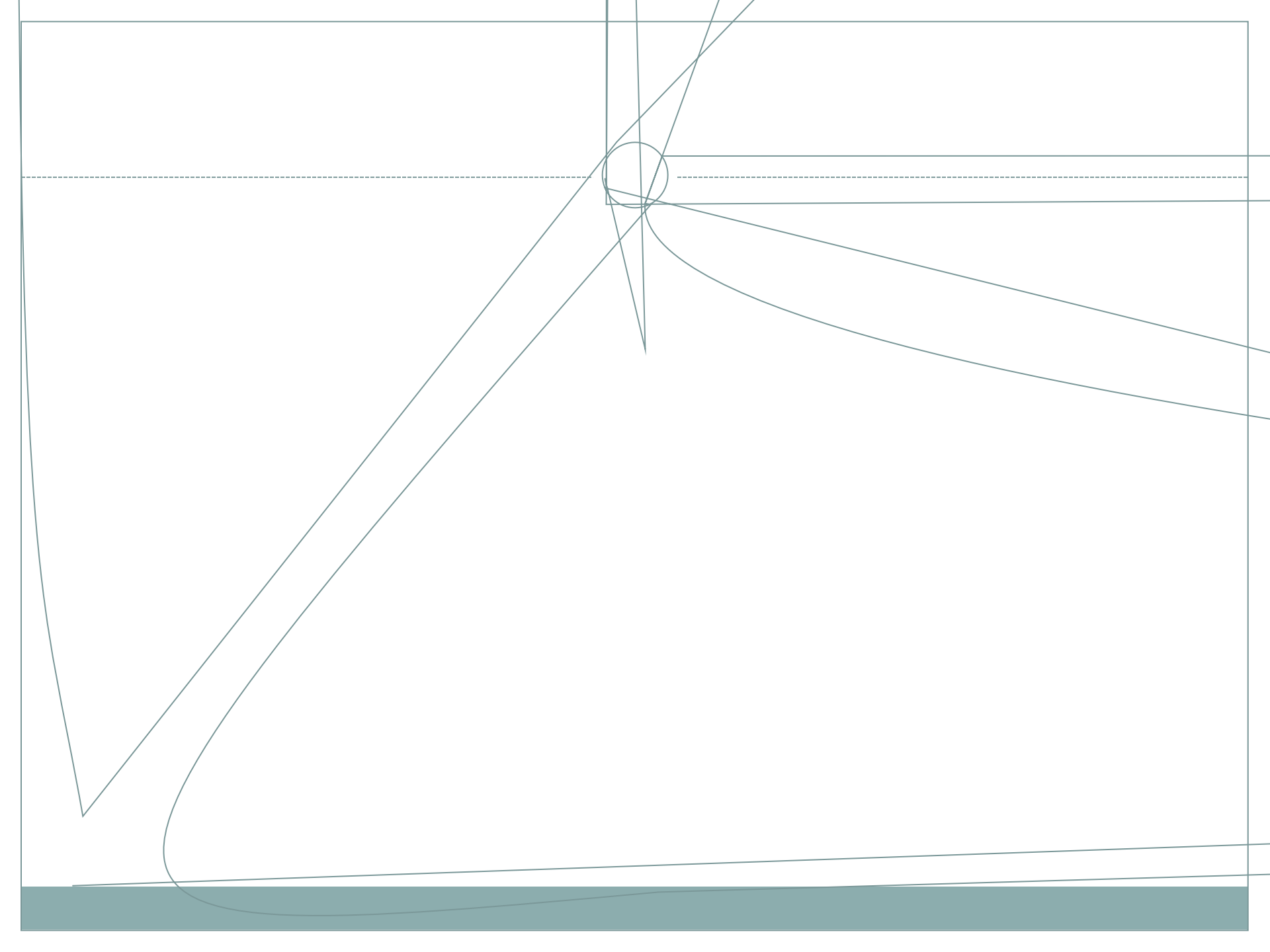
Avoid Nominalizations

Ù *: Change the nominalizations back to core verbs.*

y came to a conclusion	concluded
y bring an action against	sue
y utilization of	_____
y stating an objection	_____
y take into consideration	_____

Avoid Nominalizations

- came to a conclusion — concluded
-



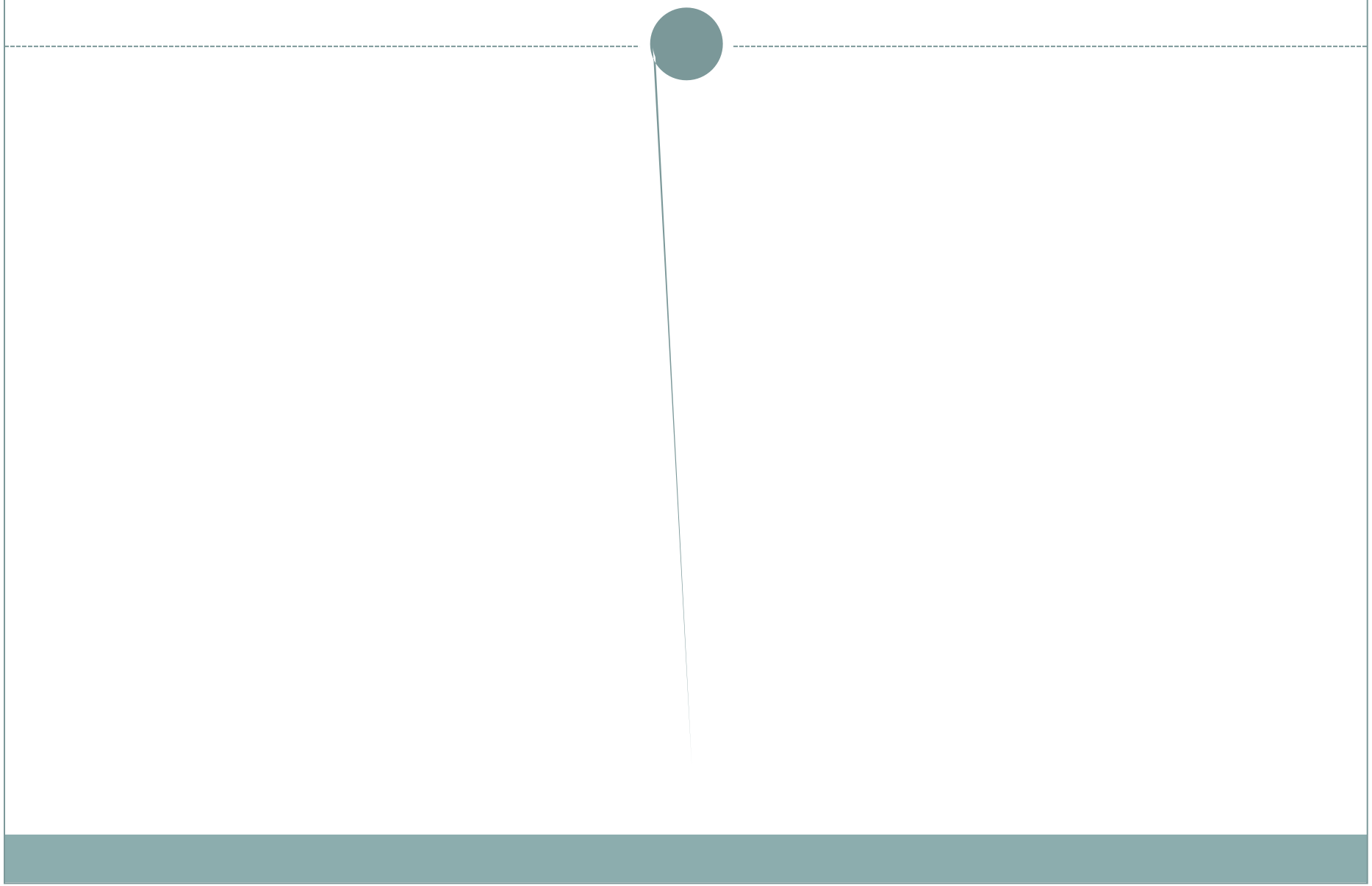
Avoid Nominalizations

- Rejection of an insurance policy holder's facially valid claim is not an action that an insurance claims agent should undertake lightly.

Simplify your words

Simplify Words

- Problem: Professional writing is often full of puffed-up language and jargon.
- Solution: Fight the urge to sound like a lawyer. Use straightforward, simple words with fewer syllables and letters.



Simplify Words

- The capability to reformulate a product from information imparted to the public by the original developer can eliminate the validity of a trade secret. (24 words)
-

  Revised: A product is not a trade secret if someone can easily recreate it using commonly known information. (17 words)

Clarity lesson #1

- Favor a subject-verb-object structure

Subject-Verb-Object

- Problem

Avoid Passive Voice

Avoid Passive Voice

- Solution: Change to active voice. Make sure your sentence shows who is doing what.

Avoid Passive Voice

y

:

After 180 days, this Agreement can be terminated by either party.

--Wydick

Concrete Subjects

- Problem: A concrete subject is a real person or thing that your audience can visualize, while an abstract subject is an intangible concept or idea. When a writer begins a sentence with an abstract subject, she hides who is doing what.
- Solution: Put a tangible “who” or “what” in the subject position.

Concrete Subjects

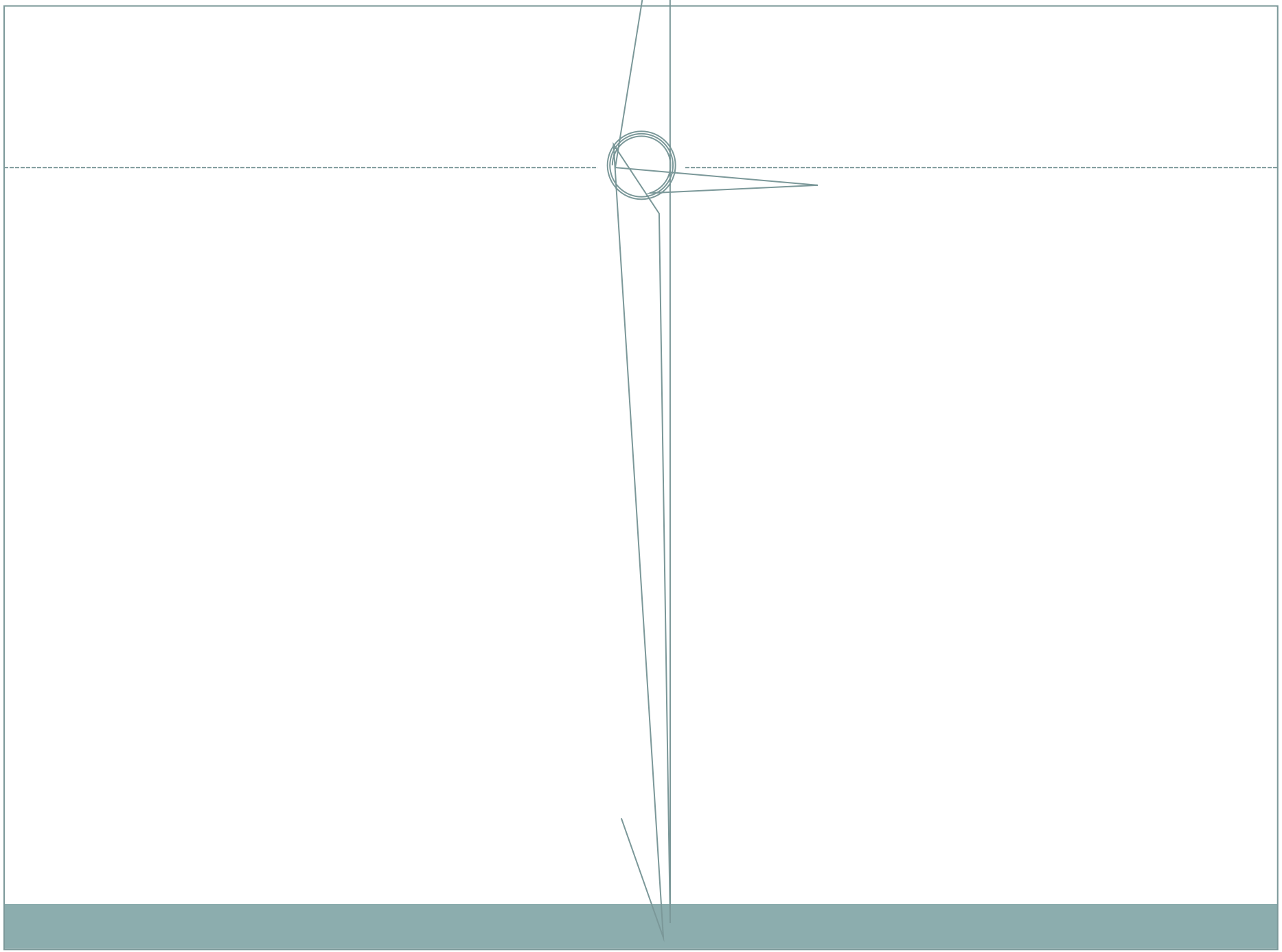
- Possible revision: In these cases, the testators showed charitable intent by donating to several charities.

Clarity lesson #3

- Shorten your sentences

Shorten Sentences

- Problem: Lengthy sentences usually merge several different ideas, confuse logical relationships, and strain the reader's ضخ ضخ ∵∶



Shorten sentences

Apart from the habit of exaggeration which they had from her, and from the implication (which was true) that she asked too many people to stay, and had to lodge some in the town, she could not bear incivility to her guests, to young men in particular, who were poor as church mice, “exceptionally able,” her husband said, his great admirers, and come there for a holiday.

(66 words)

Virginia Woolf, *To the Lighthouse*

Shorten Sentences

- Example: As we have already explained, although Dr. Kraus stated that Jeffrey's parents neglected Jeffrey's needs by not accepting all recommendations that medical and educational professionals gave them, they were not required to do so, and their reliance on their own opinions of what was best for Jeffrey did not compel a finding of neglect.

- Good legal writing is also:
  - Engaging
  - Elegant
    - Osbeck

- Engaging
  - Varied sentence structure
  - Voice
  - Ability to tell a compelling story
  - Pathos
  - Proper tone

    - Osbeck

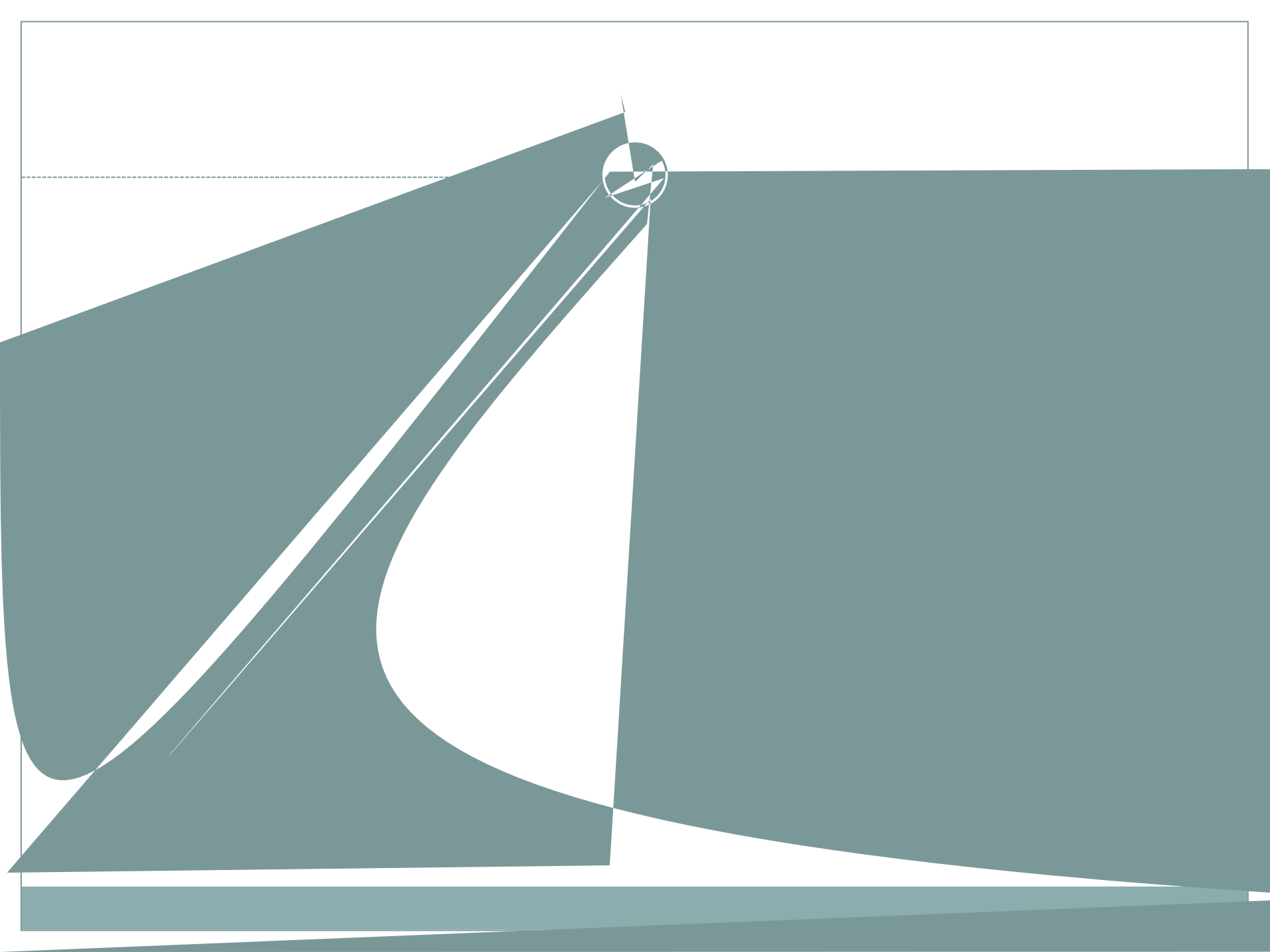
- Elegance
  - “Aesthetic quality”
  - Found in great briefs and judicial opinions
  - Is it necessary in good legal writing?

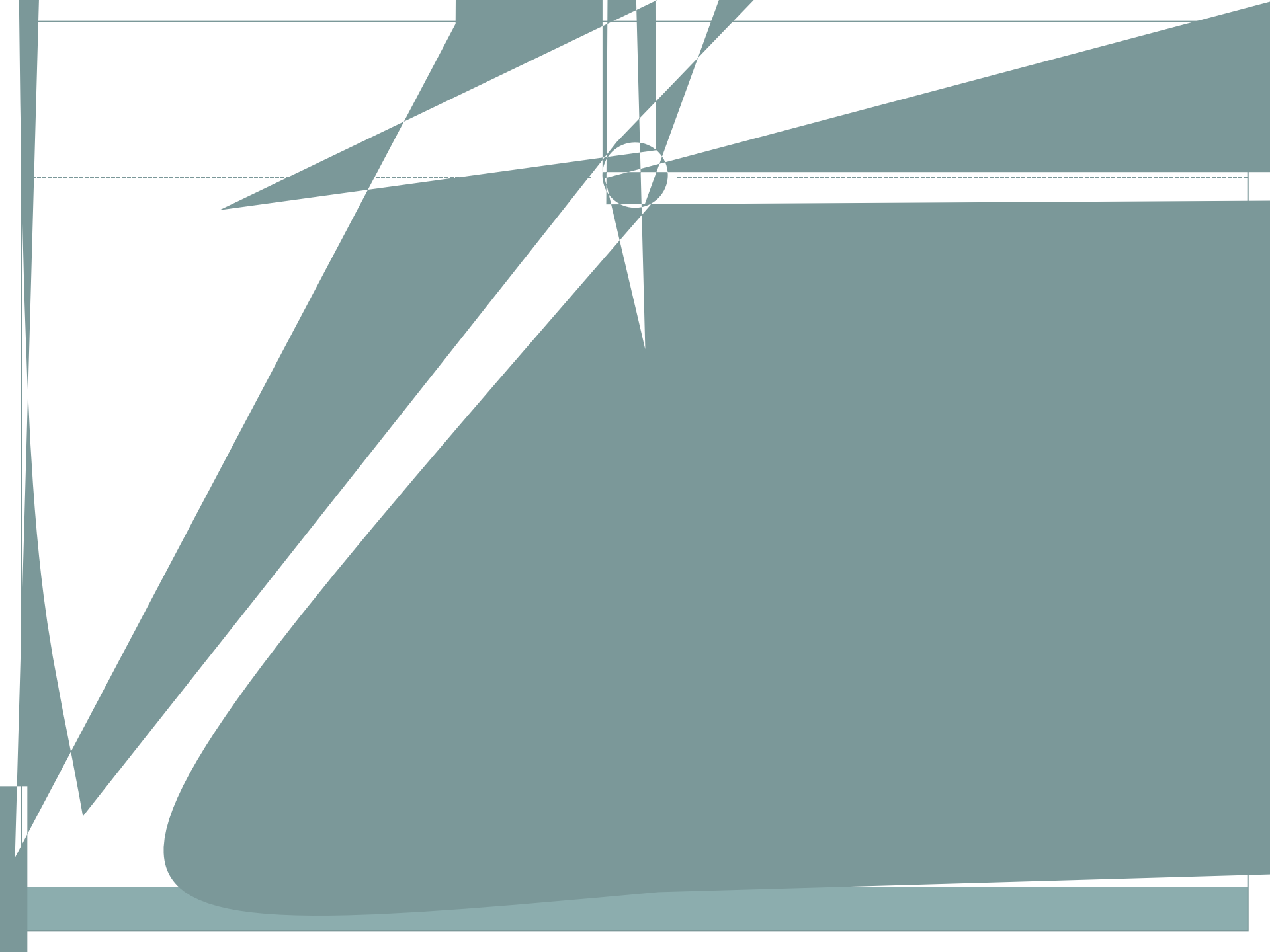
TREAC

- “There was no apparent agency relationship between Company ABC and Joseph Smith.”

  Tell the reader the conclusion in favor of ABC.

  Don’t bury the lede.





TREAC

- "No apparent agency relationship exists between Company ABC and Joseph Smith. Therefore, the Court should grant ABC's Motion for Summary Judgment."

TREAC

- Be flexible in applying TREAC, depending on the complexity of issues.

Advanced Strategies

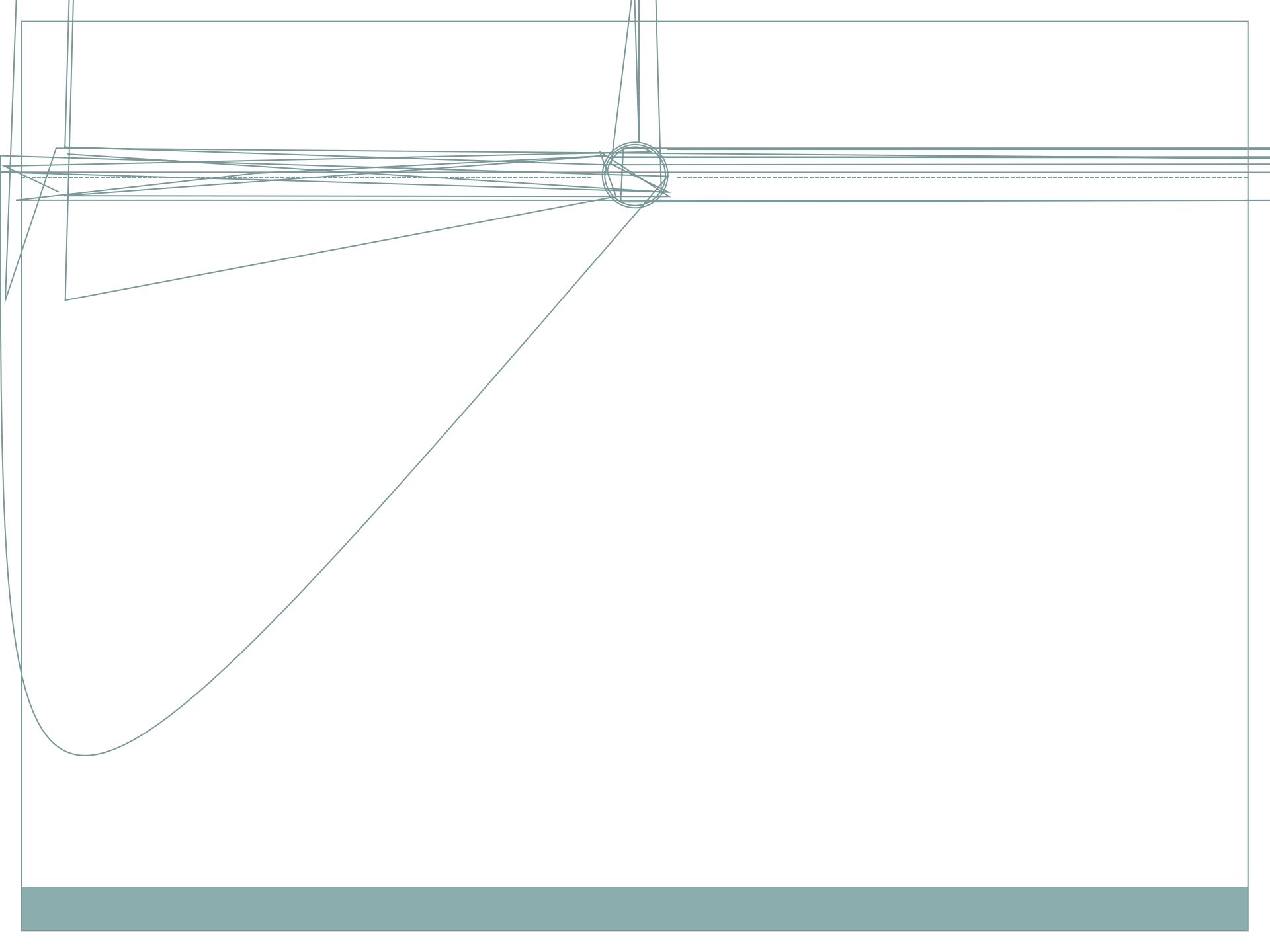
- Steps in the editing process. "Editing is as crucial to the final product as the draft itself[.]" – Goldstein & Lieberman

Advanced Strategies

- Edit once for each of the following:
- Lede/Thesis paragraph.
- Conclusion. Does your conclusion match the roadmap in your thesis paragraph?
- Paragraph structure. Did you follow TREAC?

Advanced Strategies

- **Transitions.** Did you include transition sentences between issues?
- **Proofreading.** Have you checked for typos, punctuation errors, and missing words? (Remember, simple mistakes may harm your credibility.)



- Is writing well worth the effort?

- [*See* KDN article, “Is Good Writing Worth the Effort? Ask John Roberts”]

- Improves one's chance at professional advancement
- Good writing by supervisors promote better writing at lower levels

Summary

- Clear organization with TREAC
- Advanced editing
- Language change
- Document design

Summary

- And…

Yes, writing well is worth the effort!