



CONCISE IS NICE! AN AID FOR WRITING CONCISELY¹

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The following principles are designed to help you, the legal writer, produce a concise written product.² This document provides numerous tips to help you write concisely; however, the overarching goal should be to simplify your writing. Concise legal writing explains complex ideas simply. Using simple words and short sentences not only makes your writing more concise, but also easier to understand. Novice legal writers may feel tempted to use complex words and sentence structures in an attempt to mimic language used frequently in judicial opinions. We have all read long passages consisting of only a single sentence. Such sentences tend to be less meaningful to readers because they make reading a chore. Avoiding the temptation to use unnecessarily complex language is critical to writing concisely.

This document is intended to help you write simply and concisely by demonstrating the importance of: using concrete language, avoiding excessive case quotations, focusing on the actor, using verbs rather than nominalizations, avoiding idioms, and deleting words or phrases that lack meaning.

1. Use Concrete Language

Using concrete language instead of abstract language promotes concise writing. Abstract language refers to general and vague concepts, such as “truth,” “fairness,” and “kindness.” Abstract language often uses jargon and gets to the point only after passing several roundabouts. Concrete language refers to specific things, actions, and the senses. Concrete language uses plain, clear, direct statements that convey your meaning accurately.

Abstract: To excel in law school, you should consider working hard in the various assignments you receive and preparing your mind for the rigors of the law.

Concrete: To excel in law school, you should go to every class, do your reading, and take notes.

2. Avoid Excessive Case Quotations

Excessive quotation not only interrupts the flow of your document, but also adds extra words. Paraphrasing of case quotations is often a good start to paring down a wordy document.

¹ 2019 update by Katie Marshall; 2010 update by Jonathan Eser.

² The principles, with slight modification, derive from JOSEPH WILLIAMS, *STYLE: LESSONS IN CLARITY AND GRACE* (12th ed. 2010), CHARLES R. CALLEROS, *LEGAL METHOD AND WRITING* (2d ed. 1994), FRANK E. COOPER, *WRITING IN LAW PRACTICE* (2d ed. 1963), GERTRUDE BLOCK, *EFFECTIVE LEGAL WRITING* (4th ed. 1992), RICHARD C. WYDICK, *PLAIN ENGLISH FOR LAWYERS* (4th ed. 1998), and Diana R. Donahoe, *TEACHINGLAW.COM: LEGAL RESEARCH AND WRITING* (2016), <https://teachinglaw.com/>.

Additionally, excessive case quotations can detract from a writer's credibility. By paraphrasing information from a case, rather than quoting directly, you can better demonstrate your command of the law to the reader.

Case Quotation: "To invoke the privilege the journalist carries the burden of proffering at least preponderant evidence of the mutuality of the understanding, or agreement, of confidentiality. He may do so by direct or indirect evidence, by presenting proof of an express, i.e., a verbalized, understanding or agreement, or by offering preponderant proof of circumstances from which a mutual agreement of confidentiality may reasonably be implied." *Andrews v. Andreoli*, 400 N.Y.S.2d 442, 447 (Sup. Ct. 1977).

Paraphrased Rule: To invoke privilege, a journalist must prove that an agreement of confidentiality, whether express or implied, exists. *Andrews v. Andreoli*, 400 N.Y.S.2d 442, 447 (Sup. Ct. 1977).

3. Focus on the Actor, the Action, and the Object with Active Verbs

When you use active instead of passive verbs, your writing becomes briefer and clearer. Using passive verbs promotes using wasted words. One way to remedy the use of passive verbs is to ask: "Who is doing what to whom in this sentence?" Next, rewrite the sentence to focus on three key elements 1) the actor, 2) the action, and 3) the object of the action.

Not only do passive verbs add length, but they also divert attention from the most important position in the sentence—the beginning—where the reader wants to find the actor and the action.

Passive:	Active:
The brief was read by us.	We read the brief.
The evidence was suppressed by the court.	The court suppressed the evidence.
The holding was reached by the court.	The court held.
The argument was presented by the plaintiff.	The plaintiff argued.
A complaint was filed by the union.	The union filed the complaint.
Our conclusion is supported by legislative history.	Legislative history supports our conclusion.
It is possible for the court to modify the judgment.	The court can modify the judgment.

However, not all uses of passive verbs should be avoided. Your use of passive verbs should be a conscious decision. A common example of using a passive verb consciously is using such a verb

to deemphasize the actor as a persuasive technique. For instance, if you are representing a client charged with a crime, you may use passive verbs to minimize the allegations against your client. For example, one might say, “The victim was attacked after an argument over a parking spot” instead of saying, “The defendant allegedly attacked the victim after an argument over a parking spot.”

4. Use Verbs, Avoid Unnecessary Nominalizations

A nominalization is a verb that has been turned into a noun. For instance, *act* becomes *take action*, *assume* becomes *make assumptions*, and *conclude* becomes *draw conclusions*. As a writer uses more nominalizations, surplus words start to gather. Cut out excess nominalizations and you cut out surplus words.

Nominalization:

The *implementation* of the plan by the team was successful.

There was an affirmative *decision* for *expansion* by the administration.

A *revision* of the program will result in *increases* of efficiency to our clients.

Verb:

The team successfully *implemented* the plan.

The administration *decided* to *expand* the program.

If we *revise* the program, we *can serve* clients more efficiently.

Nominalizations can often be spotted by their endings:

- al
- ment
- ant
- ence
- ion
- ent
- ancy
- ency
- ance
- ity

5. Avoid Word-Wasting Idioms

These idioms contain superfluous language. While your audience may understand their meaning, superfluous language takes up space, adds little value, and detracts from more important language.

Verbose:

the fact that she died

he was aware of the fact that

because of the fact that

in many cases you will find

Concise:

her death

he knew

because

often you will find

Verbose:

that was a situation in which the court
 during the time that
 for a period of
 this is a topic that

Concise:

there the court
 during, while
 for
 this topic

6. Delete Words or Phrases Lacking Meaning

Many students struggle to reduce their word count; however, students may not realize that they are using meaningless words or phrases which are easily excised from a document. Such additions are not only superfluous, but also may confuse your reader. To be concise and clear, consider deleting meaningless words or phrases.

Compound Constructions

Compound constructions use three or four words to do the work of one or two words. They suck the vigor from your writing. Lawyers often use compound constructions rather than plain English. In our attempt to write precisely, we become verbose.

Compound Construction:

at the point in time
 by the reason of
 by virtue of
 for the purpose of
 in accordance with
 inasmuch as
 in connection with
 in favor of
 in the event that
 prior to
 subsequent to
 with a view to
 with reference to

Simplified:

then
 because of
 by, under
 to
 by, under
 since
 with, about, concerning
 for
 if
 before
 after
 to
 about, concerning

Compound constructions are often used in introductory phrases and can create unnecessary bulk at the beginning of your sentence. To write concisely, consider revising the following introductory phrases to become simpler.

Introductory Phrase:

in order to
 despite the fact that
 due to the fact that

Simplified:

to
 although
 because

Introductory Phrase:

first and foremost
it is important to note that
needless to say

Simplified:

first
importantly
no replacement—if it is needless to
say, the sentence will work well
without it.

Redundant Legalisms

As a legal audience, we search for meaning in each word and phrase, but our search may be in vain if the author carelessly uses redundant words.

However, some redundancies are terms of art and cannot be deleted. Before modifying a phrase which appears to be redundant, first determine if the phrase acquires a specific meaning in the legal context. If so, it no longer is meaningless and should remain in your document. Nevertheless, many traditional legal phrases are meaninglessly redundant and can be deleted.

Common examples of redundant synonyms in legal writing include:

- alter or change
- confessed and acknowledged
- made and entered into
- order and direct
- peace and quiet
- free and clear
- save and except
- full and complete
- true and correct
- good and sufficient

Redundant Modifiers

When revising a document, take a step back to consider if you have included words that are already implied. Some words stand on their own and do not need modifiers to convey meaning. For example, it is unnecessary to say an event was a “terrible tragedy”—the terrible nature of the event is implied in the word “tragedy.”

Common examples of redundant modifiers include:

- *free* gift
- *personal* opinion
- *final* outcome
- *basic* fundamentals
- *collaborate* together

- *difficult* dilemma
- *unintended* mistake

When might a writer wish to include redundant modifiers? For emphasis. While the modifier remains redundant, particularly in persuasive writing, including the modifier may work to emphasize the writer's point.