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Tips for Writing Concisely

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TIPS FOR WRITING CONCISELY

BY: KRISTIN J. HAZELWOOD

Students often come into the first year legal writing class with the expectation that they will learn to craft long-winded sentences riddled with arcane and repetitive language. One of the goals of the first legal writing class of each year is to dispel that belief. Rather than learn how to incorporate words like “heretofore” or phrases like “notwithstanding the foregoing” into their writing, students learn the importance of clear and concise language.

Legal writing scholars emphasize that the most effective legal writing is clear and concise; it uses “plain English.”¹ The law may be complex, but the writing style should not be. Clear and concise language is preferable because it is easier to understand and because it is more direct and, therefore, more persuasive.

Even experienced writers who appreciate the benefits of clear and concise language can struggle with editing their own writing to eliminate wordiness. Following these tips will help eliminate some of the most common offenders:

1. PREFER THE ACTIVE VOICE.

In a sentence that uses the active voice, the subject performs the action (the verb). In a sentence that uses the passive voice, the action (the verb) is performed on the subject. Compare these examples:

PASSIVE VOICE: The pizza was eaten by the students.

ACTIVE VOICE: The students ate the pizza.

Here, the active voice is preferable because it is more concise (it uses two fewer words) and is more direct (it is clearer regarding who ate the pizza). In some instances, referred to as “truncated passive voice,” using the passive voice actually obscures the actor. The sentence “The pizza was eaten.” is an example of truncated passive voice.

Passive voice does, however, sometimes

have a role in legal writing. For example, in persuasive writing, it can be to the writer’s advantage not to emphasize that the client took a particular action. Also, in some instances, the action, rather than the actor, is important. Many (if not most) uses of passive voice, however, are not strategic and just clutter the sentence. The careful legal writer uses active voice unless a specific reason exists for using passive voice.

2. AVOID NOMINALIZATIONS.

A nominalization is a base verb that has been converted into a noun.² Compare these examples:

NOMINALIZATION: The attorney made an investigation of the case.

BASE VERB: The attorney investigated the case.

The sentence that includes the nominalization (“investigation”) uses three more words than the sentence that uses a base verb (“investigated”). It is also less direct because the verb (“made”) does not focus the reader in on the action that the writer is trying to emphasize (“investigated”). Thus, the use of a nominalization can add unnecessary bulk to the sentence and distract the reader from the action of the sentence. To identify nominalizations, look for words with endings like -ment, -ence, -ance, -ent, and -ion.³

3. AVOID UNNECESSARY INTRODUCTORY LANGUAGE.

Writers are often tempted to start sentences with introductory phrases. These phrases, however, often do not add substance to the sentence. Phrases like “it is important to note that” or “due to the fact that” do not add to the action being described in the sentence and should be deleted.

4. WATCH OUT FOR WORDY PHRASES.

Some common phrases and writing constructions are just wordy and should be avoided. Common offenders include “there is” and “there are” as well as phrases such

as “in connection with,” “the fact that,” and “for the reason that.”⁴ Like the unnecessary introductory language described above, these phrases should be eliminated when they do not add to the meaning of the sentence.

5. AVOID REDUNDANCY.

Legal writing is notorious for including multiple synonyms to describe a single concept and for restating a point.⁵ Eliminating redundancies helps the reader move through the analysis without getting bogged down unnecessarily.

The preference for clear and concise legal writing is beyond debate, but making writing clear and concise can still be challenging. Following these five tips will make the writing more concise by eliminating surplus words.

ABOUT THE AUTHOR

KRISTY HAZELWOOD is an Assistant Professor of Legal Research and Writing at the University of Kentucky College of Law. Prior to joining UK Law in 2012, she taught legal writing at Vanderbilt University Law School and Belmont University College of Law. Before teaching, she practiced with Bass, Berry & Sims, PLC in Nashville. She received her law degree from Washington and Lee University School of Law.

ENDNOTES

1. Bryan A. Garner, *The Redbook: A Manual on Legal Style* 215 (3d ed. 2013); Richard C. Wydick, *Plain English for Lawyers* 3-6 (2005) (“In short, good legal writing is plain English.”). The *Redbook* contains a very helpful list of “simple substitutes,” which is a “list of dressed-up words and their simpler alternatives.” Garner, *supra*, at 215-26.
2. Wydick, *supra* note 1, at 23.
3. *Id.* at 24. Professor Wydick provides a list of ten endings that often signal the use of a nominalization. *Id.*
4. *Id.* at 11-13. Professor Wydick provides a list of problematic compound constructions and a simple alternative. *Id.* at 11.
5. Garner, *supra* note 1, at 224-26; Wydick, *supra* note 1, at 17-20.