

The Legal Writer

Brevity:

A Challenge

By Suzanne E. Rowe

The history of writing is filled with admonitions and ambitions regarding brevity.

The most valuable of all talents is that of never using two words when one will do.

—Thomas Jefferson

I have only made this letter longer because I have not had the time to make it shorter.

—Blaise Pascal

It is my ambition to say in ten sentences what others say in a whole book.

—Friedrich Nietzsche

Writing is 1 percent inspiration, and 99 percent elimination.

—Louise Brooks

Omit needless words.

—Strunk & White

Given the many demands on legal readers' time — not to mention court rules that limit the length of documents — legal writers are wise to heed the advice to “omit needless words.”

But which words are needless? How low can you go in a word count and still convey your meaning?

This article starts by explaining and demonstrating the basics of culling needless words in sentences and paragraphs. It ends with a challenge to readers of *The Legal Writer* to send in original examples of brief, clear, vivid writing.



Brevity in Sentences

Four techniques can help you rid your writing of needless words:

- (1) using a high ratio of working words to glue words,
- (2) writing in the active voice,
- (3) avoiding word-wasting phrases, and
- (4) writing with base verbs rather than nominalizations.

Let's review these quickly, starting with the first two.

Richard Wydick encourages the process of culling needless words by promoting a high ratio of “working words” to “glue words.” In each sentence, working words are those that convey the essence of the sentence, while glue words do little more than hold the sentence together.

The contract was signed by the president.

The working words in the example are “contract,” “signed” and “president.” They are the words that convey the essential meaning of the sentence. The glue words are “the,” “was,” “by” and “the.” They just hold the sentence together grammatically.

The ratio of working words to glue words is three to four, not a tragedy, but also not a tight sentence. The grammatical culprit in this sentence is the passive voice, which requires the needless words “was” and “by.” Using active voice gets rid of those two glue

words, resulting in a higher ratio of working words to glue words (three to two).

The president signed the contract.

That revised sentence is shorter. It's in the active voice, saying immediately who did the action. Thus, the sentence is both crisper and clearer.

The next technique for getting rid of needless words follows Thomas Jefferson's advice of "never using two words when one will do." Legal writing is filled with lengthy phrases that could be replaced by just a word or two.

At that point in time, the president signed the contract.

The five words in the phrase "at that point in time" could easily become "then."

Then the president signed the contract.

Here are other wordy phrases that can easily be condensed.

in the event that — if

whether or not — whether

in regard to — about

in view of the fact that — because

subsequent to — after

A final technique, related to the prior one, is to use base verbs rather than nominalizations. Verbs can be strong, dynamic parts of sentences: *decide, act, collide!* Nominalizations are weak substitutes that require additional (and needless) words to prop them up. The nominalization of the verb *collide* is *collision*, which becomes something lengthy like "had a collision" when you use it as the verb in a sentence. Compare the following examples:

The two cars collided.

The two cars had a collision.

In the first sentence, the reader can vividly see cars crash into each other. The second sentence is unexciting. Two cars had a collision, ho hum.

Legal writing gets into big trouble — meaning wordy, boring trouble — when a writer ignores all four of these techniques. The following example has a high ratio of glue words to working words, is written in the passive voice, uses word-wasting phrases, and prefers a nominalization over a strong verb.

At that point in time, the president made the decision that the contract should be signed.

The sentence is long, wordy and unclear. The president made a decision (also known as "decided") but the passive voice in the second part of the sentence hides who actually signed the contract. Note the shorter, clearer revision:

Then the president decided to sign the contract.

Compare the statistics: The original has 16 words, including 11 glue words. The revision has eight words, with just three glue words. The revision uses active voice and strong verbs (*decided* and *sign*).

If you apply these techniques to your sentences, you could halve the length of your documents. Of course, as Pascal notes, writing shorter documents might take some time. With practice, the techniques become easy to use and editing takes less and less time.

Brevity in Paragraphs

On the paragraph level, brief paragraphs can pack a lot of punch. The punch is especially notable when a very short paragraph follows a few medium or long paragraphs.

As one example, early in *The Warmth of Other Suns: The Epic Story of America's Great Migration*, the author spends long paragraphs describing the setting of the mass movement of African Americans out of the south. She explains the conditions that forced families to decide whether to stay put or to move north. She compares the decision of African Americans to the decisions of Americans of earlier migrations, ranging from the pilgrims to Jews to landless groups across both oceans. She ends Part One of the book with a two-sentence paragraph on the uniform decision of all of these people on the question of staying or leaving.

They left.

That paragraph — with just two words — is powerful. Follow the example of Isabel Wilkerson in that one, brief paragraph.¹ Forget what every writing teacher ever told you about paragraphs having more than one sentence.

Well, forget almost everything. A series of very short paragraphs can make your writing feel choppy, which is desirable only if you are writing an outline. But a very brief paragraph of one sentence, and especially of one very short sentence, draws attention and makes your point emphatically.

Brevity in Legal Documents

Nietzsche aimed "to say in 10 sentences what others say in a whole book." Could legal writers adopt a similar goal? What if contracts, wills and even court briefs were, well, "brief"?

Hemingway is sometimes credited with writing one of the most poignant and shortest novels:

For sale. Baby shoes. Never worn.

Turning back to the law, here are the facts and holding of a famous case (written by yours truly):

Push! Explosion! Falling scales! No liability.

I can imagine a six-word cover letter:

Motivated graduate needs experience, then job.

While I don't know of court rules limiting counsel to six words in a memorandum or brief, I do note that the word for the most lengthy submissions to courts is "brief" not "length" (as in "counsel for all parties will file *lengths* explaining their arguments"). And if legal writers can condense their complex thoughts to six words, the result might be a theme that could inspire the rest of the document.

Brevity Challenge

How much can you say in just a few words? Here's the Brevity Challenge: In just six words, write your best demand letter, contract, will, case brief, statement of facts, argument, conclusion or anything else that lawyers write. Send me your prose, along with your name and where you live. The best will appear in a future column of *The Legal Writer*.

And remember what Louise Brooks said: "Writing is 1 percent inspiration, and 99 percent elimination."

Endnote

1. This example is discussed at length and with excerpt in *The Sense of Style: The Thinking Person's Guide to Writing in the 21st Century*, by Steven Pinker (Penguin 2014).

Sources

Goodreads, at www.goodreads.com/quotes/tag/brevity.

The Quote Garden, at www.quote garden.com/brevity.html.

Megan McAlpin, *Beyond the First Draft: Editing Strategies for Powerful Legal Writing* (Carolina Academic Press 2014) (list of wordy phrases and replacements).

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