

Steer Clear of the Words That Weaken Us

Avoid Looking Small

By Elizabeth Ruiz Frost



says, “I think ...,” he tells his listener he doesn’t feel confident about what he’s saying, and neither should the listener, so go ahead and pounce. But sometimes we know things, and we should be confident about that. Sounding confident means excising the verbal hedges.

Phrases like *I could be wrong*, *but* and *I’m not sure*, *but* belong in the same category. I do not mean a person has no room to equivocate, nor am I advocating for unjustifiable assuredness. But when you feel confident, sound confident.

Just is a minimizing word, too. In some contexts, it sends the message that the writer doesn’t feel she deserves time, space or attention. Look at the difference between the following two sentences, which might appear in an email to a supervisor:

Can we talk for just a few minutes about the project we’re working on?

Can we talk for a few minutes about the project we’re working on?

In the initial sentence, the writer subtly suggests that meeting with her isn’t as valuable as other meetings. The latter version without *just* sounds different. Less contrite. More confident.

Another way of minimizing oneself is to ask questions like “Does that make sense?” after we speak. The intent might be generous and humble — it gives the listener or reader an opportunity to ask questions. But it’s an unnecessarily self-deprecating way to do it. Surely we can check in with our audience without suggesting we have expressed ourselves poorly or illogically. When you think about it, asking, “Am I making sense?” is not so different from asking, “Do you think I’m an idiot?”

These minimizing words and phrases are verbal tics that are deeply engrained in our speech and writing, particularly for

women. In writing, overcoming the habit is easy. Edit it all out. Track down and delete nearly every (if not all) *I think*, *I feel* and *just* before sending or submitting.

Long Introductions

Long introductory text can weaken writing by bogging it down. In legal writing, getting to the point quickly almost always yields stronger writing than meandering one’s way there. Legal readers value concise writing for its clarity and efficiency. And conciseness can translate to confidence, whereas hedging makes a writer sound unsure.

Sometimes writers hide rules and principles behind long introductions. Perhaps they’re nervous, consciously or not, about asserting a point. A nervous writer’s sentence might read:

In a prior case, the court held that a shoe can be a dangerous weapon.

The writer should shake the nerves and more straightforwardly assert:

A shoe can be a dangerous weapon.

The first sentence is worse for a couple reasons. First, it is more than twice as long as the direct one, and the interesting part of the sentence is watered down by the first half of introductory text. All that introductory text, by the way, could be conveyed in a citation. Moreover, the longer sentence conveys that nerveless tone: “If this is wrong, don’t blame me. Blame the case.” It sounds small.

Getting Fancy

Like long introductions, fancy writing can be weaker writing because it bogs down the message. Speaking plainly usually works better.

Legal writing is technical writing, and the ideas lawyers must convey can be

Every article I have read about surviving mountain lion attacks — and I have read many — advises readers that when facing down a mountain lion, try to avoid appearing small. Crouching, sitting, simply being a toddler: Those all make a person look like easy kill. Avoiding looking small is pretty good advice for writers and speakers, too. At least in most cases. Writers have a variety of tools and tricks at their disposal — like deleting *I think* and incorporating *I don’t know* — to avoid appearing small.

Minimizing Language

First, try to eliminate minimizing language from your professional vocabulary. Minimizing language is comprised of those words and phrases that qualify, undermine and weaken us. Verbal hedges like *I think*, *I feel* and *sort of* are all minimizing phrases. Beginning a thought or idea with *I think* is the verbal analog to getting small when you see a mountain lion. When a person

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complex. All the more reason to make it readable. Nevertheless, perhaps to live up to the expectation of complexity, some lawyers write with an intentionally obtuse style. They use abstract nouns instead of concrete ones, 50-cent words where a dime would do and long, convoluted sentence structure. Read the following example, which conveys a pretty straightforward point about a dog and its dander in nonsensical terms:

The likelihood that a large-breed dog notorious for its profuse shedding would concomitantly carry with it allergen-bearing dander that would affect neighboring tenants afflicted with allergies cannot be denied.

Translated:

A dog that sheds could impact neighboring tenants with allergies.

The original sentence is silly and perhaps unrealistic, but it represents a popular style of writing. That style doesn't achieve the writer's goals. This is not to say that legal writing must sound elementary. Indeed, writers should put thought into the rhythm and flow of sentences. But sophistication and pomposity are not the same. Readers are rarely wowed by prolixity and ostentation.¹

Exaggeration

In legal writing, exaggerating tends to be counterproductive.² Rather than making a reader really, really, really believe the point, exaggeration can make readers skeptical. In the words of Captain Holt from “Brooklyn Nine-Nine,” “Exaggeration is the huckster's crutch.”

Writers can exaggerate in long form and in short form. In long form, a writer might inflate the strength of her argument by adding editorial comments like “The only possible interpretation of this case is X,” when in fact there are multiple ways to interpret it. Even a reader predisposed to agree might become mistrustful of a writer who exaggerates in this way.

In short form, writers exaggerate with adverbs like *very*, *obviously* and *clearly*. These empty adverbs can be just as counterproductive as long-form exaggeration. They are not convincing. Rather than reading that something is clear, a reader would prefer to learn why it is clear. In mathematics, this method of writing —

insisting that a statement is true because I said so — is called “proof by intimidation.” Proof by intimidation is more likely to stoke a legal reader's skepticism than his assent.

Refusing to Say “I Don't Know”

This article has primarily suggested exciting words from one's speech and writing. In this part, I recommend adding a few to avoid seeming small. Saying “I don't know” can be a sign of strength, not weakness.

We've all seen what happens when people refuse to admit they don't know something when they don't. We have watched lawyers and politicians duck and dodge questions to avoid sounding unprepared. We've heard people answer a question that wasn't asked because the real question is too hard. We've winced when we've listened to them ramble. Maybe we've even been that person, talking with our fingers crossed behind our backs, hoping no one notices we don't know what we're talking about. Those people don't seem strong in those moments.

What a gift it is to have the humility and confidence in oneself to say, “I don't know.” When I was in college, I had a classmate named Sarah. Sarah had gone to private school in New York. She knew things about art. She had a favorite NPR host. She was not like me, a rube from public school in the Wild West. In conversations with friends, Sarah would sometimes say crazy things like, “Hmm, I don't know anything about that. I'd love to learn more.” At first, I was shocked. What was she doing? Why isn't she pretending like the rest of us that she read that article in *The Atlantic*? Or that she knows plenty about that cutting-edge mitochondrial research? Or about that ancient Hellenic social movement? They're going to think she's dumb! Sarah didn't fake it because she was confident in her intelligence and interested in learning from others. She was not weak when she said she didn't know. She was powerful. “I don't know” was not a confession; it was an invitation to learn something new.

Of course, sometimes not knowing is a real problem. I don't mean to suggest that we should become so comfortable with saying “I don't know” that we spend less time preparing, researching

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and problem-solving. But even the most diligent lawyer will find her knowledge's limit from time to time. She does her clients a service when she says, "I don't know, but I will learn more about that and get back to you." I see law students struggle with this in their moot court arguments. When stumped, they stumble about until they've said enough words to have answered a question. Not *the* question, but *a* question. Their best course would have been to have prepared so thoroughly that seemingly no question was unanswerable. But the second-best course might be to respectfully admit, "Your honor, I don't know."

Conclusion

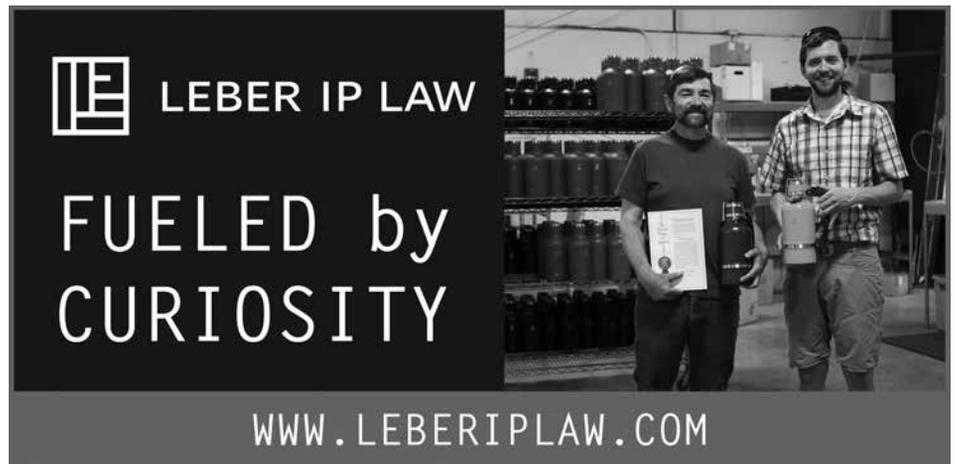
So you see, legal writing is just like fighting off a mountain lion. When you spot a mountain lion in the wild, use what you have to appear strong — stand up straight, open an umbrella, hold your bike above your head. In writing, you should also use all tools at your disposal to appear strong. Use straightforward language. Avoiding looking small with minimizing language. And just as you shouldn't try to show a mountain lion how impressively fast you are by sprinting away (it is faster than you), you shouldn't try to impress a reader with puffed-up text and faked expertise.

Endnotes

1. Or were you?
2. Those who know me might roll their eyes at this one. I exaggerate more than anyone who has ever lived. But I am also *extremely* self-aware, so I know it's a huge problem.

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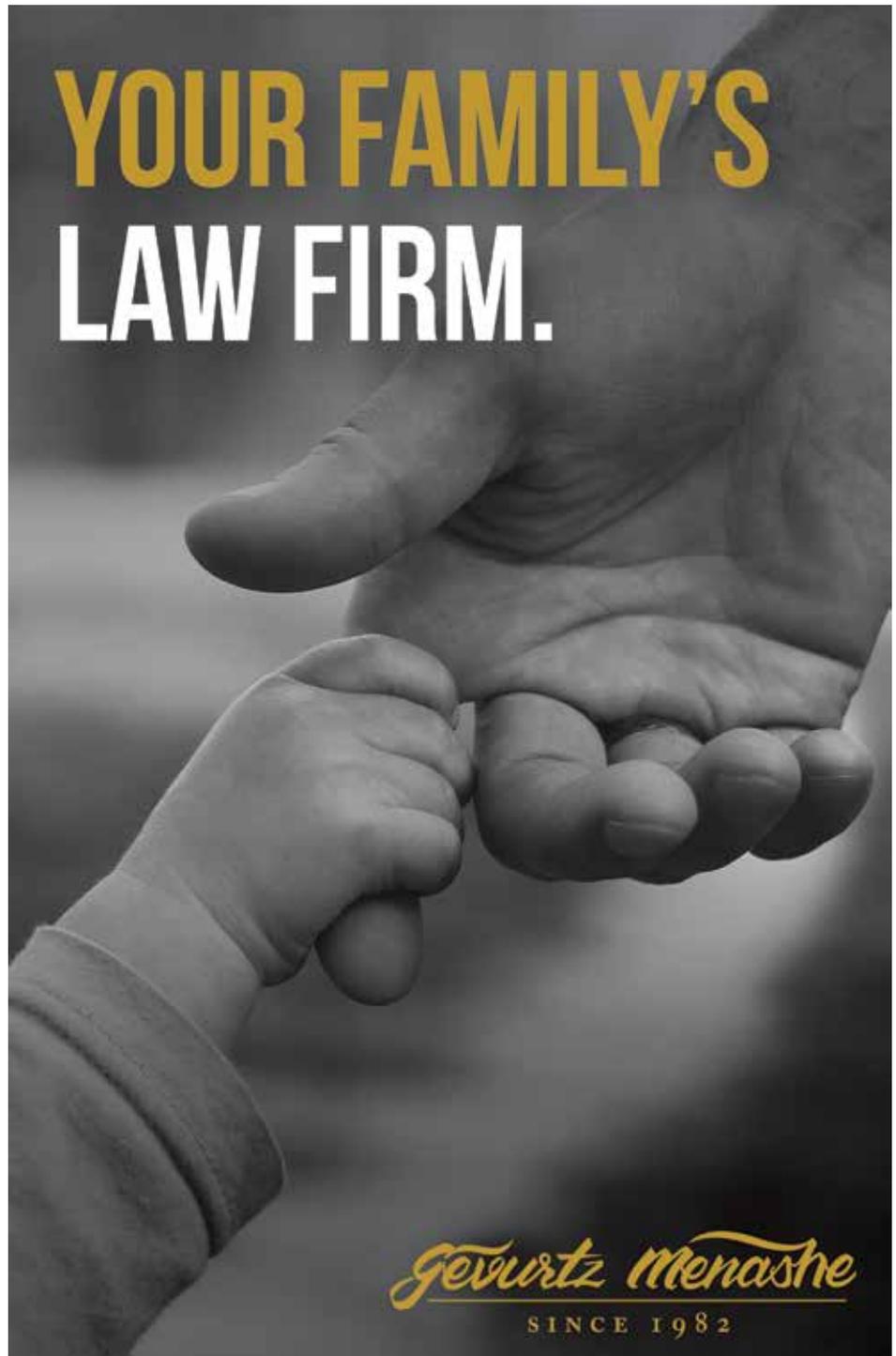
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