

Writing Skills for NALP Members: Five Rules for Clear Communication

Hosted by: NALP

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Agenda

Topic: Clarity
Situation 1 – Modifiers
Situation 2 – References
Situation 3 – Repetition
Situation 4 – Simplicity
Situation 5 – Mystery Item

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Clarity – Writing Checklist

Important Note from the Instructor

I, Ryan, recommend that you wait until after the program to read the following checklist and the summary on the next page. These materials contain the answers to most of the questions that I will be asking you.

The program will be more engaging and more challenging if you hold off.



A sentence should have only one interpretation.

- (1) Clarify what modifiers modify → *sell shares of Coca-Cola or See's Candies* – Does that mean sell **shares of** See's Candies or sell **all of** See's Candies?
- (2) Avoid ambiguous references → *a 51% stake in Berkshire, which was worth \$28 million* – Was \$28 million the value of the entire company or only 51% of it?
- (3) Repeat a word if it makes your writing clearer → *appraised & estimated* – Did the writer intend for those terms to mean the same thing?
- (4) Use simple language → *the foregoing triad grounds = the three reasons above*
--- Industry jargon may be unavoidable, but if you are writing to a layperson, you should define your terms of jargon using everyday language.
- (5) Be careful when using the word "and" → *review the agreement and highlight the following sentence* – Was the task only to highlight, or to highlight and review?

PUT YOURSELF IN THE SHOES OF YOUR READER



- → Your reader does not have the same background information as you.

Clarity – Summary of Slides

There are two hallmarks of a great sentence:

- Clarity (the focus of this module)
- Attention to Detail

Every sentence must obey the Cardinal Rule of Clarity, which is:

A sentence should have only one interpretation.

To adhere to the Cardinal Rule, put yourself in the shoes of your reader.



Beware of sentences that can be interpreted in two different ways:

- E.g., I am teaching a course about writing clearly to litigators.
 - → Does this mean that I am teaching
 - a course to litigators about writing clearly; or
 - a course about sending clear correspondence to litigators?

1. Clarify what modifiers modify:

- E.g., Warren Buffett's accountants recommended that he sell shares of Coca-Cola or See's Candies.
 - → Does this mean
 - sell shares of Coca-Cola and shares of See's Candies; or
 - sell shares of Coca-Cola and all of See's Candies?
- E.g., I am free to meet on Thursday and Friday morning.
 - → On Thursday, are you free all day or only in the morning?

2. Avoid ambiguous references (such as ambiguous pronouns):

- E.g., In July 1965, Warren Buffett purchased a 51% stake in ACME Corporation, which was worth \$28 million at the time of his investment.
 - → Was \$28 million the value of ACME Corporation, or was it the value of the 51% stake?
- E.g., When the partner promoted her hardest-working team member, she was delighted over the situation.
 - → Who was delighted?
- E.g., Chris had planned to buy concert tickets for two of his clients, but they were unavailable.
 - → Who or what was unavailable?

3. Use the same word repeatedly when it makes your writing clearer:

- E.g., Our office building was appraised at \$800 million, and our competitor's was estimated at \$500 million.
 - → In this context, it is not clear whether the writer intended for the underlined terms to mean the same thing.
- Exception: It is acceptable to use synonyms when the reader does not need to possess specialized knowledge in order to understand the writing.
 - E.g., For the second straight day, bad weather disrupted their plans to go to the beach. They watched a movie and waited for the rain to pass.
 - In that example, it is obvious that the bad weather and the rain are one in the same. The writer does not need to use the same words both times.

4. Use simple language:

- E.g., In consideration of the foregoing triad grounds, we hereby assess your CLE status as noncompliant and mandate the undertaking of remedial actions within 30 days to avoid licensure suspension.

vs.

For the three reasons stated above, we have found that you are behind on your CLE requirements, and you must catch up within 30 days to avoid suspension of your license.
- Terms of jargon are usually irreplaceable – but, when writing to those who lack technical knowledge, these terms should be explained in plain English.

5. Be careful when using the word “and”:

- With respect to this word, the guiding principle is: Avoid saying *two* things if you mean only *one*.
- E.g., I need you to review the agreement and highlight this sentence every time it appears: “It is the buyer’s responsibility to fulfill this condition.”
 - → Was the task only to highlight, or to highlight and review?

Being clear is the hardest part of professional writing.

When you are not sure whether a sentence you wrote is clear, show it to a team member and ask the team member to explain the sentence to you. If the explanation is not what you intended the sentence to mean, then the sentence is unclear.

If you do not have time to ask a team member, then step away from your draft for as long as possible. When you resume working on it, you will be a better proofreader than you were before.

In the words of Bryan Garner:

“It takes less time to write a clear message the first time around than it does to follow up to explain what you meant to say.”

Clarity – Exercise Manual

Note: For help with the exercises, consult the hints on the next page.

Note: There are many correct answers for each exercise. Your answers will likely differ from the answers found in the Answer Key, below.

Instructions:

The following writing samples can be interpreted in two different ways. Rewrite each writing sample twice, clearing up the ambiguity differently each time.

- 1) Let's review the agreement we received on Wednesday.
- 2) Being ignorant of the law, counsel argued that his client should not receive a fine.
- 3) Aphra saw the tourist with binoculars.
- 4) The firm only holds client meetings in the boardroom.
- 5) Put the towel on the rack in the closet.
- 6) This argument overlooks an amendment to the statute that came into force in 1991.
- 7) Tonight's party is for every single person at the resort.
- 8) Under Section 309, lawyer fees can only be awarded when a claim is brought in bad faith.

Examples with clumsy modifiers:

- 9) My two greatest weaknesses are chocolate chip muffins and cookies!
- 10) Today's agenda includes individual exercises and group sessions that are 75 minutes long.

Examples with ambiguous references:

- 11) Clarissa showed her grandmother the hole in her sweater.
- 12) You must remove the paper tray from the printer in order to fix it.
- 13) Jasper texted Shira to say he would not be able to attend the ceremony. This made her furious.

Hints

- 1) Focus on the words *on Wednesday*.
- 2) Who was ignorant of the law?
- 3) Who has the binoculars?
- 4) What does the word *only* apply to? → Does *only* apply to the activities that take place in the boardroom, or does *only* apply to the location where the firm holds its client meetings?
- 5) Where is the rack?
- 6) What came into force in 1991?
- 7) Focus on the words *every single person*.
- 8) Does that apply to claims under Section 308? Section 310? Etc.

Examples with clumsy modifiers:

- 9) What type(s) of cookies is the writer referring to?
- 10) How long are the individual exercises?

Examples with ambiguous references:

- 11) Whose sweater was it?
- 12) What is broken?
- 13) The reader can presume that Shira was furious because Jasper would not be attending the ceremony, but did Jasper do something on top of that to add to her fury?

Answer Key

Note: There are many correct answers for each exercise. Your answers will likely differ from the answers in this Answer Key.

Note: The original sentences are reproduced in *italics*.

- 1) *Let's review the agreement we received on Wednesday.*
 - a. The agreement we received on Wednesday needs to be reviewed, so let's attend to it.
 - b. On Wednesday, let's review the agreement we received.
- 2) *Being ignorant of the law, counsel argued that his client should not receive a fine.*
 - a. Since his client was ignorant of the law, counsel argued that he/she should not receive a fine.
 - b. Counsel, who was ignorant of the law, argued that his client should not receive a fine.
- 3) *Aphra saw the tourist with binoculars.*
 - a. Aphra used binoculars to see the tourist.
 - b. Aphra saw the tourist who had binoculars.
- 4) *The firm only holds client meetings in the boardroom.*
 - a. The firm uses the boardroom solely to hold client meetings.
 - b. The firm holds all of its client meetings in the boardroom.
- 5) *Put the towel on the rack in the closet.*
 - a. Put the towel on the rack that is in the closet.
 - b. Remove the towel from the rack and put the towel in the closet.
- 6) *This argument overlooks an amendment to the statute that came into force in 1991.*
 - a. This argument overlooks an amendment to the 1991 statute.
 - b. This argument overlooks an amendment made in 1991 to the statute.
- 7) *Tonight's party is for every single person at the resort.*
 - a. Tonight's party is for everyone at the resort.
 - b. Tonight's party is for everyone at the resort who is single.
- 8) *Under Section 309, lawyer fees can only be awarded when a claim is brought in bad faith.*
 - a. Under Section 309, lawyer fees can only be awarded when a claim made under this statute is brought in bad faith.
 - b. Lawyer fees can only be awarded when a claim made under Section 309 is brought in bad faith.

Examples with clumsy modifiers:

- 9) *My two greatest weaknesses are chocolate chip muffins and cookies!*
 - a. My two greatest weaknesses are cookies and chocolate chip muffins!
 - b. My two greatest weaknesses are chocolate chip muffins and chocolate chip cookies!
- 10) *Today's agenda includes individual exercises and group sessions that are 75 minutes long.*
 - a. Today's agenda includes individual exercises and group sessions, both of which are 75 minutes long.
 - b. Today's agenda includes individual exercises and 75-minute group sessions.

Examples with ambiguous references:

- 11) *Clarissa showed her grandmother the hole in her sweater.*
 - a. Clarissa's sweater had a hole in it, which she showed to her grandmother.
 - b. Clarissa's grandmother had a sweater with a hole in it, which Clarissa showed to her.
- 12) *You must remove the paper tray from the printer in order to fix it.*
 - a. To fix the paper tray, you must first remove it from the printer.
 - b. You must remove the paper tray in order to fix the printer.
- 13) *Jasper texted Shira to say he would not be able to attend the ceremony. This made her furious.*
 - a. Jasper texted Shira to say he would not be able to attend the ceremony. She was furious that he would not be there.
 - b. Jasper texted Shira to say he would not be able to attend the ceremony. She was furious that he would not be there and that he told her by text message rather than by telephone or in person.

Thank you for attending the presentation.

Ryan's Contact Information:

If you have any questions, I can be reached at:

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Sincerely,

A handwritten signature in black ink that reads "R. Standil". The signature is written in a cursive, slightly stylized font.

Ryan Standil