you want it shorter? You can make any piece of writing shorter by taking things out. Just cut content. Oh, wait. You want all that content but you still want it shorter? That's different. That's work. You want concision. This article offers 14 techniques to create concision. Each of these tips will help you keep the content but use fewer words.

1. Assess passive voice. The passive voice always takes more words than the same idea in the active voice: The statute was applied by the court (seven words) becomes The court applied the statute (five words). But the passive voice has legitimate uses, such as when the actor is unknown or irrelevant or by keeping sentences connected by not shifting to a new subject. So the advice is not to remove all passive voice but to assess each use. As you edit, ask yourself: Do I need the passive voice here? If not, revising to the active voice promotes concision.

2. Don’t fear possessives. Why do we write the vehicle of the defendant and the property of the seller and the intent of the testator? It’s probably just habit or imitating the sound of legal writing in our heads. But each of those five-word phrases could be shortened to three: the defendant’s car, the seller’s property, the testator’s intent. Possessive forms are not informal. Use them to improve concision.

By the way, a few lawyers were taught that inanimate things cannot possess—that it’s wrong to write the book’s title, the nation’s capital, or the sun’s light. Instead, we must write the title of the book, the capital of the nation, and the light of the sun. If this advice sounds a bit odd to you, you’re right. There is no such rule, and those who once promoted the practice were misconstruing the grammatical term possessive. See Merriam-Webster’s Dictionary of English Usage for an excellent discussion.

3. Remove redundancy. For this technique, I’ll ignore stock drafting phrases like above and foregoing, agree and covenant, and save and except. They might need pruning, but my focus here is on analytical legal writing.

Some redundancies are obvious: new innovations, past history, unexpected surprise. Remove the redundancy in those pairs, of course—or don’t write them in the first place. But other redundancies are harder to spot, and you’ll have to have your redundancy antenna up as you edit. Look at this sentence:

• Isam Yasar alleged that in a conversation, his supervisor, Russell Dunagan, told him to stop complaining.

Read it carefully and you’ll see that conversation and told convey the same idea—they’re redundant. Removing that redundancy shortens the sentence from 16 words to 13:

• Isam Yasar alleged that his supervisor, Russell Dunagan, told him to stop complaining.

Naturally, if the existence of the conversation itself is important, leave it in; if it’s not, you lose no meaning by deleting it. That’s concision.

4. Omit needless details. If the detail isn’t relevant or useful, omit it. Often, needless details appear as names and dates. In fact, larding a statement of facts with dates annoys some readers, including judges: “Most dates are clutter,” says Judge Mark Painter in his book The Legal Writer: Full names can be clutter, too, if those named aren’t important or won’t be mentioned again. Using a specific date or name tells the reader it’s important; often it’s not. Here’s an example with a date and three full names:

• On April 4, 2008, Isam Yasar alleged that his supervisor, Russell Dunagan, told him that if Yasar continued to complain, Dunagan would have to discipline and possibly terminate a fellow Muslim and Yasar’s coworker, James Lira.

As you edit this sentence, think about the story you’re telling and the points you’ll argue. If April 4 isn’t important and won’t appear again, omit it. As for the names, let’s imagine that Isam Yasar and James Lira are...
Compound prepositions are prepositions on steroids. Instead of being concise and simple, they’re puffed up, like for the purpose of, with a view toward, with reference to, and in regard to.

important characters you’ll mention several times. Leave them alone. But let’s imagine that Russell Dunagan is not important, so you can call him the supervisor.

- Isam Yasar alleged that his supervisor told him that if Yasar continued to complain, the supervisor would have to discipline and possibly terminate a fellow Muslim and Yasar’s coworker, James Lira.

Same content, but now it’s down from 36 words to 31. Concision.

5. Cut throat-clearing phrases. These are flabby sentence-openers that try to manufacture emphasis but often just postpone getting to the point. They look like this:

- It is clear that….
- It is important to point out that….
- It would appear to be the case that….
- A key aspect of this case, which must not be overlooked, is….
- The defendant would respectfully draw to the court’s attention that….

And no, I did not make this up. Many writing guides advise against “throat-clearers.” They are “needless buildups”; “merely space-fillers”; and “convey little if any information.” Your writing will be more concise, and stronger, without them.

6. Diminish sesquipedalian vocabulary. Or reduce big words. Sesquipedalian (sesqui + ped) means “a foot and a half long,” and it’s exactly the kind of word to avoid. Unless you need a term of art or a legal word, you’ll be more concise and more readable if you use an everyday word instead of a fancy one. So change ascertain to learn, commence to start, and request to ask. For more ideas, check out Professor Joseph Kimble’s list (available online) in the Michigan Bar Journal.

As you edit, root out words that are ostentatious (fancy), abstruse (hard), and infrequent (rare). Don’t write She indicated that she had previously encountered this conundrum when you could write She said that she had faced this problem before.

But wait. Lawyers are smart and are used to reading and writing sesquipedalian vocabulary. So if we’re capable of handling big words, why should we use small ones? Let me be clear: to write plainly, you don’t need to limit your own vocabulary. In fact, the larger your vocabulary, the better a writer you’re likely to be. As Rudolf Flesch said, it’s not about knowing big words; it’s about using them:

So if you have a big vocabulary and know a lot of rare and fancy words, that’s fine. Be proud of your knowledge. It’s important in reading and in learning. But when it comes to using your vocabulary, don’t throw those big words around where they don’t belong.

It’s a good rule to know as many rare words as possible for your reading, but to use as few of them as possible in your writing.

7. Edit for wordiness. Besides using smaller words, concise writers use fewer. Although wordiness would cover most of the concision techniques discussed in this article, such as avoiding passive voice, throat-clearers, and redundancy, here we’ll focus on commonly used phrases you can almost always shorten: prior to becomes before, subsequent to becomes after, and adjacent to becomes next to. Want more? In the event that becomes if, at such time as becomes when, and despite the fact that becomes although. So edit for wordiness—and reduce big words while you’re at it: adequate number of becomes sufficient, and sufficient becomes enough.

8. Revise unnecessary nominalizations. A nominalization is a noun that could have been a verb, and although it’s not an error, it’s an overused structure in legal writing. Lawyers often write make a payment instead of pay, enter a settlement instead of settle, and bring suit against instead of sue. For more examples, search these other names for nominalizations: hidden verb, buried verb, and zombie noun. When you engage in a revision (revise) for nominalizations, you get vigor as well as concision.

9. Eliminate excessive prepositions. Count the prepositions in this sentence—they’re conveniently bolded:

- There is no current estimate of the number of boxes of records in the possession of the school.

The sentence has five prepositions and is choppy. When you edit, tune your ear for excessive prepositions and cut those you can. Here, we can cut at least two and possibly three, reducing sentence length from 18 to 15 or even 14:

- There is no current estimate of the number of boxes of records the school possesses.

- We have no current estimate of how many boxes of records the school possesses.

10. Deflate compound prepositions. Compound prepositions are prepositions on steroids. Instead of being concise and simple, they’re puffed up, like for the purpose of, with a view toward, with reference to, and in regard to. They’re usually unnecessary, so deflate them. The compound prepositions in this example can be easily shortened to one word:

- Terry hastily prepared the interrogatories in connection with (for) the Crispin case in order to (to) meet the discovery deadline.
Barbara Kalinowski’s excellent discussion of prepositions (including nominalizations and compound prepositions) appeared in this column last year.8

11. Choose lighter transitions. Legal writing is full of multisyllabic transitions like additionally, consequently, furthermore, however, moreover, and nevertheless. They’re fine, but they can weigh a sentence down. You can improve concision (at least in syllables) by choosing lighter transition words: and, but, so, still, thus, and yet. We all know that beginning with conjunctions isn’t wrong—it’s a matter of tone and emphasis. So try it. With lighter transitions, you’ll get more than concision; you’ll get vitality.

12. Turn independent clauses into participial phrases. This means making two sentences into one, but it’s a particular way of doing it. Suppose we have these two sentences:

- Yasar and Lira had worked at the fire department together for four years. They had formed a strong friendship.

You can be more concise by converting one of the sentences into a phrase—a group of words that doesn’t have a subject and verb—and beginning that phrase with a present participle (-ing verb), making it a participial phrase:

- Yasar and Lira, having worked at the fire department together for four years, had formed a strong friendship.

- Having worked at the fire department together for four years, Yasar and Lira had formed a strong friendship.

The original is 19 words, and the revision is 18. Granted that one word is a modest gain in concision, that is often how concision works: rather than one big edit that saves many words, you make many small edits that add up.

13. Use pro-verbs and elided verbs. A pro-verb is a verb that replaces a noun, and is parallel in meaning to pronoun.9 The most common pro-verbs are do and do so. In the next examples, do so replaces order a new trial.

- The court has the authority to order a new trial, but it should not order a new trial for three reasons.

- The court has the authority to order a new trial, but it should not do so for three reasons.

Using the pro-verb cuts the sentence from 21 words to 19 and avoids repetition.

Legal writers can also elide verbs—omit them—where they’re understood. Thus, we can shorten this sentence further by removing words from the second verb phrase: should not do so becomes should not:

- The court has the authority to order a new trial, but it should not for three reasons.

Now we’re down to 17 words. Most of us are probably using pro-verbs and elided verbs to improve concision, even if we didn’t know what they were called.

14. Delete that—wisely. It’s common advice to delete unnecessary thats. So this:

- The lawyer thinks that Avery should appeal only the issues that the lawyer deems dispositive.

becomes this:

- The lawyer thinks Avery should appeal only the issues the lawyer deems dispositive.

But lawyers occasionally overdelete that. If we get fixated on deleting that, we sometimes create misuses for the reader.

- Mr. Lin acknowledged being a minority made him more sensitive to discrimination.

Here, the phrase acknowledged being a minority creates a momentary misfire as we temporarily think Mr. Lin admitted that he was a minority. Only as we read on do we realize that Mr. Lin is acknowledging that his status as a minority causes him to be more sensitive to discrimination. A clearer version would retain that:

- Mr. Lin acknowledged that being a minority made him more sensitive to discrimination.

Scrutinize your thats and delete them for concision when you can, but don’t create misuses for your reader.

Add these concision techniques to your editing toolkit. We’re all a bit verbose on the first draft—that’s natural. But with these techniques, we can all do a better job of editing for concision. ■

ENDNOTES


