Plain Words (Part 2)

By Joseph Kimble

Last month I offered, with some qualifications, a list of inflated words. This month I offer two lists of wordy phrases and a list of lawyerisms.

The first two lists overlap: the second one includes many compound prepositions (also called complex or phrasal prepositions)—that is, prepositions consisting of more than one word. In the second list, which groups phrases with similar meanings, I checkmarked the groups of compound prepositions. Exactly 75 years ago, writing about compound prepositions in his classic Dictionary of Modern English Usage, Fowler said that, while some are worse than others, “taken as whole, they are among the worst element in modern English, stuffing up what is written with a compost of nouny abstractions.”

The cure is at hand. You should rarely have to use any of the wordy phrases in these first two lists.

Compound Prepositions

as a means of to
by means of on, for, about, of
by reason of by, with
by virtue of by, under, because of
during the period from from
for a period of for
from the point of view of from, for
in addition to besides
in back of behind
in connection with with, about,

in excess of regardless of
in favor of for
in lieu of instead of, rather than
in receipt of have
in terms of in, for, about
in the absence of without
in the amount of for
in the case of in, with or cut it
in the nature of like
in the neighborhood of about, roughly
on behalf of for
on the basis of by, from, because of
on the occasion of on
on the part of

Other Wordy Phrases

✔ as regards in reference to
✔ in regard to
✔ in relation to
✔ with reference to
✔ with regard to
✔ concerning the matter of
✔ in the event that
✔ in a situation where
✔ under circumstances in which
✔ due to the fact that
✔ because of the fact that
✔ for the reason that
✔ inasmuch as
✔ despite the fact that
✔ although, even though
✔ notwithstanding the fact that
✔ as a consequence of
✔ as a result of
✔ prior to
✔ previous to
✔ antecedent to
✔ subsequent to
✔ posterior to
✔ during such time as
✔ during the time that
✔ in the course of
✔ during the course of

Other Wordy Phrases

✔ at present
✔ at the present time
✔ at this point in time
✔ at an early date
✔ in the near future
✔ in the time that
✔ at such time as
✔ at the place where
✔ in the place in which
✔ until such time as
✔ in proximity to
✔ in the vicinity of
✔ there is a need for
✔ it is [necessary, important] that
✔ has discretion to
✔ is permitted to
✔ is authorized to
✔ is able to
✔ is in a position to
✔ has the ability to
✔ for the purpose of
✔ in order to
✔ with a view to
✔ with the object of

Other Wordy Phrases

✔ there is no doubt but that
✔ this is a [topic, subject] that
✔ it would appear that
✔ it is probable that
✔ in a [ negligent, precise] manner

Other Wordy Phrases

✔ on a daily basis
to, for
✔ daily, every day

Other Wordy Phrases

✔ a large [number, percentage] of
✔ many

Other Wordy Phrases

✔ the majority of
✔ sufficient number of
✔ adequate number of
✔ excessive number of
✔ too many

Other Wordy Phrases

✔ have a negative impact
✔ hurt, harm

Other Wordy Phrases

✔ no later than June 30
✔ before July 1

Other Wordy Phrases

✔ now, currently

Other Wordy Phrases

✔ soon

Other Wordy Phrases

✔ when

Other Wordy Phrases

✔ where

Other Wordy Phrases

✔ until

Other Wordy Phrases

✔ close to, near

Other Wordy Phrases

✔ must, should

Other Wordy Phrases

✔ may

Other Wordy Phrases

✔ can

Other Wordy Phrases

✔ has discretion to
✔ is permitted to
✔ is authorized to
✔ is able to
✔ is in a position to
✔ has the ability to
✔ for the purpose of
✔ in order to
✔ with a view to
✔ with the object of

Other Wordy Phrases

✔ this is a [topic, subject] that
✔ it would appear that
✔ it is probable that
✔ in a [negligent, precise] manner

Other Wordy Phrases

✔ on a daily basis

Other Wordy Phrases

✔ daily, every day

Other Wordy Phrases

✔ a large [number, percentage] of

Other Wordy Phrases

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Plain Words (Part 2) is a regular feature of the Michigan Bar Journal, edited by Joseph Kimble for the State Bar’s Plain English Committee. The assistant editor is George Hathaway, chair of the committee. The committee seeks to improve the clarity of legal writing and the public opinion of lawyers by eliminating legalese. Want to contribute a plain English article? Contact Prof. Kimble at Thomas Cooley Law School, P.O. Box 13038, Lansing, MI 48901. For information about the Plain English Committee, see our website—www.michbar.org/committees/penglish/pengcom.html.
We come finally to the lawyerisms—words that give legal writing its musty smell. They should be completely avoided. Total abstinence. Either cut the word entirely or find a plain, modern-day equivalent.

This is not a complete list, but it includes many of the most common offenders.

- ab initio
- above-mentioned
- ad idem
- aforementioned
- aforesaid
- anent
- arguendo
- before-mentioned
- below-mentioned
- case at bar
- ex contractu
- ex delicto
- foregoing
- henceforth
- hereafter
- hereby
- herein
- hereinafter
- hereinbefore
- hereof
- heretofore
- hereunto
- herewith
- instant case, matter, etc.
- instanter
- inter alia
- inter se
- premises (in the sense of “matters already referred to”)
- said (for the, that, or those)
- same (for it or them)
- ss.
- sub judice
- such (for the, that, etc.)
- thenceforth
- thereafter
- thereat
- thereafter
- therein
- thereof
- thereunto
- therewith
- to wit
- unto
- vel non
- viz.
- whatsoever
- whenssoever
- whereat
- wherefore
- wherein
- whereof
- wheresover
- whosoever
- within-named
- witnesseth
- (and other verbs ending in -eth)

Go forth and simplify.

Joseph Kimble, a professor at Thomas Cooley Law School, has published many articles on legal writing. Besides editing this column, he is the editor-in-chief of The Scribes Journal of Legal Writing, the U.S. representative for Clarity (the international plain-language organization), and the drafting consultant to the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.