A Verb’s Lament

On a hunch, I stepped into a bar around the corner from an office building filled with law firms. B.B. King riffs filled the smoky room. And there it was: Sitting at the bar, with its head hung over a Scotch and water, was a verb.

Author: Why so glum?
Verb: You know, just the usual stuff.
Author: What usual stuff?
Verb: Well, it’s those lawyers again. A lot of them just don’t seem to like me. They make me feel so...so...well...nominalized.
Author: Buddy, I’m no psychiatrist. What do you mean?
Verb: I’m a nice, simple verb, but they aren’t satisfied with that. They try to change me into some highfalutin, abstract noun with a bunch of extra words.
Author: Give me an example.
Verb: Sure. Suppose a lawyer wants to say that a statute “protects” a certain class of people. That’s just fine the way it is. But many lawyers inflate simple verbs like protects to make them sound more impressive: “The statute provides protection for workers who are discriminated against because of their age.” That took three words to say what one simple verb said better. It’s verbicide!

Author: Settle down, fella. Is this really that big a deal?
Verb: Imagine being forced to read these wordy, lifeless nominalizations page after page in a long brief. Which style do you think a busy judge would rather read?

Author: Okay, okay, I get it. But what makes you think that lawyers are the culprits?
Verb: Don’t get me started on letters to clients, with all that we have effectuated service on junk instead of we served. And I see it in briefs all the time.

Author: Prove it.
Verb: Okay, smart guy. Here are some real-life examples:

Brief: “This event...caused an interruption in the flow of their testimony.”
Better: This event interrupted the flow of their testimony.

Brief: “Neither she nor any other individual had made an assessment of [the] attachment.”
Better: Neither she nor anyone else had assessed the attachment.

Brief: “APHIS then undertook an investigation into the cause of the larvae finds.”
Better: APHIS then investigated the cause of the larvae finds.

Author: You’ve certainly done some digging.
Verb: You and your lawyer friends will impress judges, judicial clerks, and clients far more if you just give us verbs a chance.

Author: Yeah, well, I guess now we’ve come to an understanding about each other. You’re all hopeless. Bartender!

By Mark Cooney

“Plain Language” is a regular feature of the Michigan Bar Journal, edited by Joseph Kimble for the Plain English Subcommittee of the Publications and Website Advisory Committee. We seek 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, PO. Box 13038, Lansing, MI 48901, or at kimblej@cooley.edu. For more information about plain English, see our website—www.michbar.org/generalinfo/plainenglish/.

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