

Writing Clinic

Writing Clearly and Effectively: How to Keep the Reader's Attention

BY JOSHUA STEIN

Lawyers write. They spend a good portion of their time communicating thoughts and ideas through documents, letters, memos or pleadings. Sometimes they make presentations or write articles and books that are not purely "legal."

Very often, however, lawyers write in a way that does not communicate effectively. As a small step toward changing that, this article summarizes some simple, classic principles that can help every lawyer turn weak, ineffective writing into strong, effective writing.

Most of these principles apply to all categories of written work. Others apply more selectively. But even the latter principles apply more generally than many lawyers think.

Few of these principles are new. Old or new, they are all worth remembering.

Catch the Reader's Attention

Begin with a short sentence that captures the reader's attention. Make the reader want to read what you're writing.

- *Identify the bigger picture.* Explain why your topic matters, and how it fits into the bigger picture of the reader's world.
- *Show why the reader should pay attention.* Readers care about themselves and their own lives. Tie your opening to your readers and their lives, or to the larger business context. After reading your first few paragraphs, a reader should know why they want or need to read whatever you're writing.
- *Be flexible about starting.* Don't feel you have to start writing at the beginning, however. You can start in the middle. Then figure out the beginning later. That way, you can prevent writer's block—the intimidating effect of a blank sheet of paper.
- *Know your audience.* Know your audience, what you want to tell them and why, before you put your first word on paper. Context dictates everything else. What does your audience already know? What does it want or need to read about?

Strong Verbs Strengthen Your Writing

Verbs mean action. When people do things, readers pay attention. When people sit around and have things done to them or when you talk about abstract or inanimate things, readers fall asleep. Keep your readers awake.

- *Seek active verbs.* Use active verbs. Don't use lame, static, sitting-around verbs such as "to have," "to be" or their variants. Instead of saying "there are available a significant range of meaningful options" (the reader envisions someone sitting and sleeping, and quickly falls asleep), say "a specific person can choose from four options" (the reader envisions someone doing something and stays awake).
- *Look for real events, real people.* Try to describe even the most abstract concepts in terms of real events happening to real people.
- *Don't turn verbs into nouns.* Say "she achieved" rather than "her achievements included." Don't add



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“ing” to the end of a verb to turn it into a semi-noun. A discussion of growing work force turnover (a thing) doesn’t catch the reader’s attention with the same force as a statement that turnover has exploded or that more employees than ever leave the company every year (actions). Rather than talk about “responses that some companies have experienced to be effective,” discuss how “companies have responded.” Someone is doing something. You’re not just talking about static things and concepts.

- *Beware of technical terms.* Technical terms that mean something to you might not communicate as well to your audience. Many readers get snagged by words such as “mortgagee” and “mortgagor,” which they have to translate in their minds to “bank” or “borrower,” often incorrectly. Even though every reader should be able to understand words like these, in the real world they’re an extra step. They get in the way. Make your reader’s job as easy as you can.

Keep It Simple

Keep most of your sentences short. Break long sentences into shorter ones when you can. If you want to make two related points, write two sentences. Don’t string them together into one sentence with the word “and.”

- *Construct simple sentences.* Most sentences should contain no more than one idea. If you want to modify, clarify or qualify what you’re saying, resist the temptation to do so in the middle of the discussion. It breaks the flow. Save it for somewhere else.
- *Avoid parentheses.* Anything you want to put in parentheses will create a legalistic complication and detour. If it’s short, maybe use commas. If it’s long, say it somewhere else.
- *Strive for short paragraphs.* Keep most paragraphs short. Short paragraphs help readers digest ideas in bite-sized units.
- *Use a direct path.* Get to the point quickly and directly. Don’t interrupt the logical flow while you talk about something else. Your readers don’t want to hold their breath mentally. Rearrange your sentences as necessary. For example, if you are describing a general rule with some exceptions, explain the general rule first, then go talk about the exceptions. Don’t strew the exceptions throughout your description of the general rule.
- *Conserve reader brainpower.* Don’t make your reader spend too much brainpower deciphering your message. Readers need their brainpower to absorb your message once they have figured out what it is. Conserve that brainpower! Reading is hard work.

- *Be willing to start over.* If the presentation gets too complicated, maybe you should tear it up and start over again.
- *Provide options and alternatives.* In a contract, you often need to set up multiple alternatives and allow someone to choose between them. To make things easier for yourself and your reader, try to address each alternative once, in a single, integrated discussion, rather than build the necessary flexibility (and complexity) into your discussion every place it might be relevant. For example, if a loan has two possible interest rates, you can refer to both of them every time the topic arises, which makes extra work for everyone, or you can set up a single definition of “interest rate” that describes the rate alternatives only once.
- *Provide graphic illustrations.* If you can use bullet points, charts and headings, do it.

Establish a Solid Structure

To build a house, you would dig the basement first, then pour the foundation, then frame the structure, install the systems to make it all livable and, finally, move toward your finishing touches. You should build most written work the same way.

- *Identify the overall purpose.* Start with a structure, an overall purpose for whatever you are doing. Make it clear in your first couple of paragraphs.
- *Remember your goal.* Don’t lose sight of what you’re trying to achieve, why and for whom.
- *Watch out for details.* Don’t feel you have to go into every possible detail. Unnecessary little extras can confuse more than clarify. Properly used, however, details can help you turn abstractions into concrete examples and, hence, help you communicate better.
- *Provide a logical approach.* If you write about something complicated, introduce it in a logical order—usually the order in which your reader would encounter it in the real world.
- *Use an orderly scheme.* Use a logical and consistent system of headings and subheadings to impose order and help your readers understand that order. If your readers are lawyers, you may find that section numbers also help.
- *Seek consistency and coordination.* Present similar ideas in a similar way. If five conditions need to be satisfied before someone can do something, collect those five conditions in a single list. Don’t randomly sprinkle them throughout the document like lost pieces of a jigsaw puzzle.
- *Say it once.* After the structure you have chosen identifies the points you wish to make, discuss each point



once, all in one place. Don't force the reader to puzzle through and fit together several relevant provisions to understand what you are saying.

Use Powerful Words in a Powerful Way

Clear, straightforward words convey ideas more powerfully than stuffy, complicated phrases. See **Table 1** for some examples.

TABLE 1

<i>Complicated</i>	<i>Powerful</i>
Provide the requisite information	Tell
Suffer a numeric reduction in	Drop
Experience work force turnover	Lose people
Take the steps necessary to retain	Keep
Remain; continue in the status quo	Stay
Not found frequently to occur	Rare
Provide with	Give
Undesirable	Bad
With respect to; in connection with; applicable to	For

- *Accentuate the positive.* Write in the positive, not in the negative. A "negative" means not only the word "not" and its variations but also negative words such as "prohibit," "harm," "disapprove" and "undo." Any negative word will complicate your sentence and make your reader process one more concept, *i.e.*, work harder. Positive words are easier to understand. An extreme example is set forth in **Table 2**.
- *Use active words.* Dramatic, active words get more attention than boring, sleepy words. See **Table 3** on the next page for some examples.
- *Avoid word piles.* Don't build word piles, long strings of words piled together to express one concept. For example, instead of referring to alternative real estate

business-based strategies, describe how the company manages its real estate.

Don't Take Yourself Too Seriously

Write the way you speak. Use simple language. Have a little fun, but not too much.

- *Avoid pomp.* Don't think your writing has to sound pompous, high-flown or archaic if you want to communicate important ideas effectively. Often, it's just the opposite.
- *Strive for normal language.* If appropriate, use the same informal phrases that your readers would use. This way, your readers won't need to translate from your language into theirs. If borrowers and lenders would talk about a "spread" in calculating an interest rate, do you really have to call it an "applicable adjustment factor"? Why can't you just call it a spread?
- *Have a little bit of fun.* Let your words sing a little sometimes. Play with alliteration, repetition, rhythm. Two examples—the last two sentences. Another example: *The big companies not only pay more, they hire more.*

Kill Unnecessary Words

Less is more. The fewer words you use, the more effectively you can communicate, if you choose the right words. You are probably clouding the picture when you use:

- *Glue.* Delete "glue" words such as "in sum," "clearly," "in order to," "however" and so on.
- *Intensifiers.* Avoid intensifiers such as "very," "really," "much" or the use of italics or boldface type to emphasize your point. They make you sound uncertain. Instead, use the rhythm of the sentence to accent what's important. The power positions in a sentence are at the beginning and end.
- *Throat clearing.* Watch out for "throat-clearing" phrases at the beginning of your work—extra phrases

TABLE 2

<i>Too Many Negatives (Plus Some Other Problems)</i>	<i>Simpler Version</i>
Unless payment in currency other than United States dollars is the subject of any prohibition, limitation, or restriction imposed by a governmental authority, other than a governmental authority that is not a United States governmental authority, Borrower shall repay the obligations only in any form of currency other than United States dollars and shall be prohibited from repaying the obligations in United States dollars, provided however that notwithstanding the foregoing such requirement shall not be applicable and shall be of no force or effect if and only to the extent that such governmental authority, other than a governmental authority that is not a United States governmental authority, has not been duly authorized to enact such prohibition, limitation or restriction, or if such prohibition, limitation or restriction is not applicable or has been rescinded, canceled, terminated or waived, or has expired, or is otherwise not effective.	Subject to the terms of any valid United States law or regulation, Borrower shall repay the loan only in foreign currency.



TABLE 3

<i>Boring and Sleepy</i>	<i>Dramatic and Active</i>
What can be done <i>in light of</i> some problem or <i>with reference to</i> the problem	How a specific person <i>has cut costs this quarter to save the company from the losses it suffered last quarter</i> because of some problem
Someone <i>is able to implement</i> a program to <i>mitigate the adverse impacts of</i> something	Someone can <i>solve the problem</i> by making specific changes and adopting a specific solution
Someone is <i>experiencing an adverse situation</i>	A specific business is <i>watching its profits evaporate</i> from some problem

that add nothing but words. Although they can sometimes help you get started, they're easy to delete in your first round of editing.

- **Adjectives.** Adjectives weaken your words. Use them sparingly. Adverbs weaken them even more. Compare two sentences, one with, the other without, an adverb. The one without the intensifier is more intense. (Try it!)
- **Fad words.** Avoid fad words such as "arguably," which seems to have become a substitute for "perhaps" but isn't really.
- **Consultant-speak.** Don't use mushy and vague words such as "significant," "ongoing," "current," "arisen," "trend," "key," "actualization," "parameter," "activate," "situation," "in order to," "access" and similar consultant-speak. These words add little value.
- **Numbers.** To best communicate numbers 10 or higher, express them as numerals, not words.

Keep Your Readers Involved

Readers love war stories, real-life examples and practical tips based on the experiences of specific people, including you.

- **Provide specific examples.** Give your readers ideas, suggestions and points to "take away" and use. Don't write in generalities relating to the world as a whole. Write in specifics that apply directly to your readers' own experiences.
- **Paint word pictures.** Use metaphors. They let your readers paint pictures in their heads and see connections and similarities.
- **Use effective quotations.** If you quote words spoken by a real person, your readers will appreciate it. But don't make your quotations too long.
- **Observe the "rule of three."** In any list of suggestions, examples, guidelines or points to remember, your readers want to see at least three items.

Tips for the Writing Process

First let your ideas flow freely onto paper, without being self-conscious about "writing well." Then edit and revise. That second process—making your writing simple and direct—is hard work, but you have the comfort of knowing that the raw material is there.

- **Find solid blocks of time.** For a substantial piece of work, try to prevent disruptions and reserve a solid block of time. If you can get away with it, close the door, hold your calls and reread the whole piece top to bottom (or bottom to top) one last time.
- **Be attuned to the sound of words.** Listen to your words. How do they sound in your head? How do they sound when you read them out loud? Make them sound better. Even if you accurately express your message, if your reader can't easily understand it or stumbles because your words don't sound right, then you've done only part of your job.
- **Weigh brevity vs. clarity.** Brevity is good. Clarity is better.
- **Let it sit.** After you've written your first draft, put it aside for a while. Look at it again as if you've never seen it before. Read it quickly for an overview, as a casual reader might. Does it work? Does it hang together? Does it flow? Then read it slowly, line-by-line and word-by-word. Have you made each point as effectively as you can? Did you leave out anything important? Do your words fit together?
- **Take the reader's perspective.** When you read through your work again, ask yourself whether you can easily grasp it. But don't assume you will. Assume the opposite. Approach your writing as a reader might—expecting to be confused, overwhelmed and lost. Look for opportunities to get confused, overwhelmed and lost. Fix them. Make your work clearer than it needs to be.
- **Cut, cut, cut.** Don't fall in love with a sentence, a paragraph, an idea. Do you need it? If not, dump it. Edit and edit again.
- **Bend the rules.** Ignore any of the suggestions in this article when it makes sense to do so. Every principle has its exceptions. Always use your judgment.

Your Conclusion

You don't have to end with a grand conclusion and a bow. If you can gracefully circle back to the point you made at the beginning, you'll give your readers a sense of closure.

- **Summarize.** Summarize your message briefly but without restating too much of what you've already said.
- **Avoid formulas.** Avoid trite or formulaic endings.
- **Stop.** Finish your job. Don't leave your reader hanging.

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