

Seven Deadly Sins of Legal Writing

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1. Passivity

- a. What is it?
 - i. Use of the passive voice instead of active voice
- b. Example
 - i. “The car was owned by Bob” is passive.
 - ii. “Bob owned the car” is active.
- c. What’s wrong with it?
 - i. Use of the passive voice is less persuasive
- d. Tips
 - i. Avoid unless there is a good reason to use

2. Abstraction

- a. What is it?
 - i. Taking concrete lists and turning them into something abstract
- b. Example
 - i. “This Act is intended to provide a mechanism for the recovery of attorney’s fees in certain actions” is abstraction.
- c. What’s wrong with it?
 - i. Which actions?
 - ii. The certain ones or the uncertain ones?
- d. Tips
 - i. Make a list of the actions instead of referring to them as “certain actions.”
 - ii. Say, “the following actions: (1) breach of contract; (2) declaratory judgment.”

3. Adverbiage

- a. What is it?
 - i. Use of adverbs in our legal writing
- b. Example
 - i. “Case law clearly states. . .”
 - ii. “Tragically, the plaintiff was injured.”
- c. What’s wrong with it?
 - i. Adverbs insult the reader’s intelligence by telling them how to react to each sentence
- d. Tips
 - i. Avoid adverbs - Let the facts and the law speak for themselves

4. Negativity

- a. What is it?
 - i. Use of double negatives or negatively phrasing a sentence
- b. Example
 - i. “Settlement is not unlikely.”

- ii. “At this firm, office romances are **not encouraged**,” as opposed to “discouraged.”
- c. What’s wrong with it?
 - i. It is confusing.
- d. Tips
 - i. Say what you mean. Avoid use of double negatives unless there is a good reason.

5. Redundancy

- a. What is it?
 - i. Repetition of the same concepts or words.
- b. Example
 - i. “Plaintiff releases all **claims, demands, actions, causes of action, suits** . . .”
- c. What’s wrong with it?
 - i. It is boring. The reader tends to skip over the lists.
- d. Tips
 - i. Avoid using extra, repetitive words unless there is a good reason.

6. Speaking Footnotes

- a. What is it?
 - i. Footnotes with text in them.
- b. What’s wrong with it?
 - i. They are distracting.
- c. Tips
 - i. Only list citations and critical information in footnotes.

7. Verbosity

- a. What is it?
 - i. Use of extra words, big words, old words
- b. Example
 - i. Wherefore, Now Comes, Hereinafter, Further Affiant Sayeth Naught
- c. What’s wrong with it?
 - i. They are boring, outdated, and serve no purpose
- d. Tips
 - i. Get rid of the extra words in your writing