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TOP VERDICTS

21 tips for lawyers to make better 2nd drafts

By Matt Sonne and Scott Sonne

My freshman year political science professor often quoted Ernest Hemingway's maxim that "the first draft of anything is sh**." While I never forgot it, learning how the second and third drafts could improve on the first took much longer. The following are a few techniques you might employ:

1. Eliminate needless words. This is at the heart of good writing. Make a habit of going through each sentence to remove as many words as possible while making the same point. The most forceful way of expressing a thought is often by a simple declarative sentence.

2. Whenever possible, use short words, short sentences, and short paragraphs.

3. Don't start sentences with "It is," "There are," "We contend," "I believe," or other similar phrases.

4. Use the active voice, e.g., "Plaintiff filed the action," not "The action was filed by plaintiff." Any time you see the word "by," check whether you are using the passive voice. If you are, consider revising.

5. Minimize prepositional phrases (e.g., phrases that start with "for," "by," "with," or "of"). The sentence will usually be stronger if you revise them out.

6. Avoid loose compound sentences connected by "and." Consider changing one of the sentences to a subordinate clause: e.g., change "He went to the store, and he bought a pen," to "After he went to the store, he bought a pen."

7. Minimize adjectives, and especially adverbs. When in doubt, take them out.

8. Any time a sentence has two words or phrases connected by "and," consider whether one of them can be left out without detracting from your main point. Most times you'll be able to delete it.



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9. Whenever you see the word "that," consider whether you can leave it out: e.g., "He said that the boy was late" to "He said the boy was late."

10. When appropriate, you can start a sentence with "but." It is often punchier than "nevertheless" or "however." Starting a sentence with "and" is more problematic.

11. Often you can use the following words to connect one sentence to another: "consequently," "furthermore," "moreover," "in addition," "also," "nevertheless," "however," "that is," "in other words," "therefore," and "thus."

12. When you've already identified a person, place, or thing in the previous sentence, consider using a pronoun in the subsequent sentence to refer to what is being discussed. But make sure that what the pronoun refers to is clear.

13. Pronouns are also a good way of connecting two sentences: e.g., "The defendant acted recklessly. He knew children would be present."

14. Make frequent use of topic sentences to start a paragraph. This lets the reader know what the point of the paragraph is.

15. Put introductory information, such as that specifying time and place, at the beginning of a sentence: "In 2010, he filed..." "Before he filed ..." "As a result of

his negligence..." Save the main point, the thing you want to emphasize, for the end of the sentence.

16. Rarely italicize or underline to give emphasis. Occasionally, you can italicize a specific word to provide clarity. (E.g., "The plaintiff was present at the scene of the accident.")

17. Don't insert long quotes into your paper. If necessary, distill the thought down to a simple concept and use a few quoted words or phrases, or possibly a sentence, to drive home your point.

18. Parallel construction is often an economical way to convey several pieces of information. ("Smith's vehicle ran the stoplight, careened off a parked car, and smashed into a building.") But make sure the verbs all agree, and rarely combine more than three such statements in one sentence.

19. Avoid invective, sarcasm, and vitriol. If you are outraged, let your facts and arguments convince the reader. But a well-chosen word or two, possibly at the end, can drive home a point. (E.g., "In short, defendant's scheme was a fraud.")

20. Aim to persuade, not impress. The object of a paper should not be to show the reader how smart you are, or how beautifully you can write. The object is to make the reader conclude, "I think that's right."

21. Don't say anything you wouldn't want blown up in front of a jury.

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