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## Use 'Accordingly,' 'Thus' and 'Therefore' Sparingly

The context usually supplies the connection

By Kenneth F. Oettle

Legal writing is premised on logical connections. If one idea doesn't lead to the next, you aren't making a point.

Sometimes you feel a need to announce the connection between ideas with "Thus," "Therefore" or "Accordingly." You want to declare, as it were, that you are about to make your point.

I asked the lawyers in my informal polling group which of these three connectors they prefer: "thus," "therefore" or "accordingly." The responses were evenly divided.

I also asked if they try to limit their use of these words. Surprisingly, all said yes. They deem them unnecessary (except when they use them).

Consider the function of "accordingly" between the following sentences:

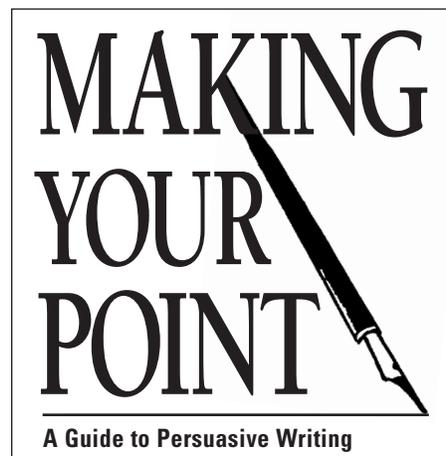
Rule 11 attempts to deter litigation abuse while encouraging creativity within the law. Accordingly, the rule imposes sanctions only on attorneys who file frivolous or unreasonable claims.

The first sentence tells the reader

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that Rule 11 seeks a balance between deterrence and encouragement. "While" marks the balance. The next sentence tells the reader how the balance is struck — by imposing sanctions only on a certain class of attorneys: those who file frivolous or unreasonable claims. "Only" effects the balance that the first sentence identifies.



Do you need "Accordingly"? Without it, the sentences read as follows:

Rule 11 attempts to deter litigation abuse while encouraging creativity within the law. The rule imposes sanctions only on attorneys who file frivolous or unreasonable claims.

"Only" is a sufficient connector. The reader has to wait only five words into the second sentence ("The rule imposes sanctions only") to learn how the balance is struck.

"Accordingly" merely delays and sprays. It delays because it is an extra word requiring extra punctuation. It sprays because it may guide the reader down any of several reasonable pathways different from the one you wish the reader to take. For example:

Accordingly, the trial court is given great discretion in deciding Rule 11 applications.

Accordingly, Rule 11 protects a plaintiff's right to propose reasonable extensions of the law.

Accordingly, substantial case law has developed as courts seek to effect the proper balance.

"Accordingly" is usually unnecessary because it merely tells the reader that you are about to say something that flows from what you just said. But the reader already knows that. If what you are about to say doesn't flow from what you just said, you are in trouble.

Not only do "accordingly," "thus" and "therefore" delay and possibly misdirect the reader, but they may impair your creative process. When you announce a connection with one of those words, you tend to stop testing the relationship for validity. "Accordingly" declares the connection, and you accept it as so. You stop thinking.

An alternative to either using or dropping "thus," "therefore" or "accordingly" is to combine sentences, subordinating one to the other:

To encourage creativity within the law while deterring litigation abuse, Rule 11 sanctions only attorneys

who file frivolous or unreasonable claims.

This solution is tighter. The phrase “To encourage creativity” alerts the reader that a second thought will soon flow from the first.

#### A Second Example

Do you need “Thus” between the following two sentences?

The face of the statute does not reveal whether the word “marketing” in the exemption from public bidding for the “marketing of recyclables” includes curbside collection as well as the disposition of recyclables. Thus, the court relied on legislative history to find that public policy requires the bidding of contracts for the curbside collection of recyclables.

The second sentence follows coherently from the first without “Thus” because relying on legislative history is what courts do when a statute is unclear. The reader accepts the court’s reliance on legislative history as a natural result of the statute’s being unclear.

The passage flows even better if you subordinate the first sentence to the second with “Because”:

Because the statute does not reveal whether the word “marketing” in the exemption from public bidding for the “marketing of recyclables”

includes curbside collection as well as the disposition of recyclables, the court relied on legislative history to find that public policy requires the bidding of contracts for

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**‘Accordingly’ is usually unnecessary because it merely tells the reader that you are about to say something that flows from what you just said. But the reader already knows that.**

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the curbside collection of recyclables.

Subordinating the first sentence to the second — that is, turning the first sentence into a “subordinate clause” —

enhances the flow because the first word in the sentence (“Because”) immediately identifies the first part of the sentence as a prelude to the second.

#### *Puzzler*

How would you tighten and sharpen the following sentence?

The audit did not disallow the deduction of depreciation from ABC Co.’s income, but rather changed the timing of the deduction by requiring it to be depreciated over a greater number of years.

The phrase “from ... income” can be omitted as implicit. “ABC Co.” can also be omitted because the sentence is evidently part of a paragraph about the company. The long phrase “changed the timing of the deduction by requiring it to be depreciated over a greater number of years” can be shortened to “extended the depreciation period.”

Eliminate “but rather” because it is awkward. “It merely” is more precise, and the tight relationship in the revised version between “The audit did not disallow” and “it merely extended” justifies a semicolon rather than a period. The revisions also eliminate the imprecision of saying that a deduction will be “depreciated.”

The revised version:

The audit did not disallow the deduction for depreciation; it merely extended the depreciation period. ■