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Transition by Repetition: Take One Step Back To Go Two Steps Forward

Transitions are transparent to the reader but good for the flow

By Kenneth F. Oettle

You will be tempted to believe that because a connection between ideas is perfectly clear to you as a writer it is also perfectly clear to the reader. It isn't.

— Lucile Vaughn Payne, *The Lively Art of Writing* (1965) at 96-97

A Zen proverb says that “a good craftsman leaves no traces.” In good legal writing, the prose moves along so well that the reader never stops to admire the writer’s skill. That is the ultimate goal — to focus the reader on the argument, not the writing.

One device that keeps the prose moving and “transparent” to the reader is the transition, one form of which is the repetition of words from a prior sentence or paragraph. The repeated words are, in effect, a step backward to move two steps forward. Below is an example of words carried from the end of one paragraph to the beginning of the next:

For all these reasons, the slow-

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down of traffic at that interchange constitutes a safety hazard and must be alleviated as soon as possible.



A Guide to Persuasive Writing

Not only do traffic conditions at that interchange constitute a safety hazard, but they increase air pollution as well.

The transition by repetition is in the words “traffic,” “that interchange” and “safety hazard.”

As suggested by the summational phrase “For all these reasons,” the reader beginning the second paragraph probably has a visual, intellectual and emotional matrix regarding traffic conditions at the interchange. By restimulating this matrix with the trigger words

“traffic,” “that interchange” and “safety hazard,” the writer can hook the second paragraph into the first. This not only achieves continuity — that is, it holds the reader’s attention — but it adds emphasis through repetition.

In the above example, the paragraphs are linked not only by the repetition of key words but also by the “Not only ... but also” construction, which is used in conjunction with, and intensifies, the repetition of key words. “Not only . . . but also” is inherently transitional, like “first,” “next,” “in addition,” “for example,” “consequently,” “therefore” and “thus.”

In the example below, the second sentence does not flow smoothly from the first:

To gain access to public records under the Right to Know Law or the common law, a person must pass through several screens. Standing is required under both the Right to Know Law and the common law.

The paragraph begins by telling the reader that a “person” needs to pass through several “screens” to gain access to public records. Thus, the reader expects to be told what a person must do (how they must pass through screens), what the several screens are, or both. In effect, the reader experiences the first sentence as the beginning of a story about a person and about screens, and the reader assumes the story will continue to be about a person and about screens.

But the second sentence seems to be about something called “standing,” which could be a screen, but the reader does not automatically know that. When the reader sees the word “standing” at the beginning of the second sen-

tence after not having seen it in the first, the reader may wonder, “Standing. Hmm. How does ‘standing’ fit in here? It isn’t a person. Is it one of the ‘screens’? I thought this story was about persons and screens.”

When neither word appears at the beginning of the second sentence, the reader is momentarily disoriented. Ultimately, the reader will deduce that standing is one of the screens, but at the cost of time and energy.

In the following versions, the relationship between the two sentences is improved.

BETTER: To gain access to public records under the Right to Know Law or the common law, a person must pass through several screens. First, the person seeking disclosure must establish standing.

ALTERNATE: To gain access to public records under the Right to Know Law or the common law, a person must pass through several screens. One such screen is the requirement that the person seeking disclosure establish standing.

In the improved versions, the immediate repetition of the words “person” or “screen” propels the reader from the first sentence into the second by tapping the expectation energy developed around the terms “person” and “screen.”

Readers take transitions for granted until they are omitted; then suddenly the prose is no longer transparent. The reader becomes confused, and you can’t make a point. Worse, the reader’s confusion, together with their resentment at having to work hard to grasp your meaning, may cause them to lose faith in you and your presentation. The more this happens, the more they will doubt what you say, even to the point of not reading it. In an unfortunate but inexorable progression, serious consequences can flow from an accumulation of small mistakes.

Puzzler

How would you tighten and sharpen the following sentence?

Exclusion of evidence at trial is only warranted where there is a design to mislead which causes unfair surprise and undue prejudice to the other party due to the late amendment of interrogatories.

The point of the sentence — that evidence can be excluded if late amendment of interrogatories causes prejudice — is buried in the middle rather than featured at the end, where it belongs. Therefore, move the concept of prejudice to the end of the sentence.

Delete “at trial” as implicit and “surprise” because it is implicit in prejudice (though if you weren’t trying to limit the test, you might like “surprise”

for its emotional appeal). Drop the phrase “to the other party” as implicit; drop “due to” as improper usage and put “only” in the right place (as close as possible to what it modifies). Get rid of the ponderous “which” clause tacked to a “where” clause, which also takes care of a “which” that should have been a “that.” Finally, avoid the “there is” construction.

Immediate repetition of words propels the reader from one sentence to the next.

If you were looking to portray the test as broader and tougher rather than limited, you might choose the more active “Evidence will be excluded ... if,” deleting the “only.” (See “Making Your Point,” Dec. 2, 2002, 170 N.J.L.J. 752.)

The revised version:

Exclusion of evidence for late amendment of interrogatories is warranted only if the delay was intended to mislead and caused undue prejudice. ■