

# New Jersey Law Journal

VOL. CLXXX—NO. 3—INDEX 168

APRIL 18, 2005

ESTABLISHED 1878

## Tighten Your Work by Omission and Compression

Eliminate thoughts you don't need and streamline the ones you do

By Kenneth F. Oettle

To tighten and sharpen prose, you omit what is implicit, duplicative, or irrelevant and compress the rest. Such trimming is more a craft than an art, and it can be learned.

Consider the following 54-word excerpt from a brief:

The court denied the plaintiff's motion for sanctions for spoliation in the form of a negative inference. The court distinguished the present facts from those in *Smith v. Jones*, noting that the e-mail was destroyed by a person who was not a party to the case and who was not instructed to delete the e-mail.

Because both sentences begin with "The court," you might look to combine them. But this won't work yet. The sentences are too heavy.

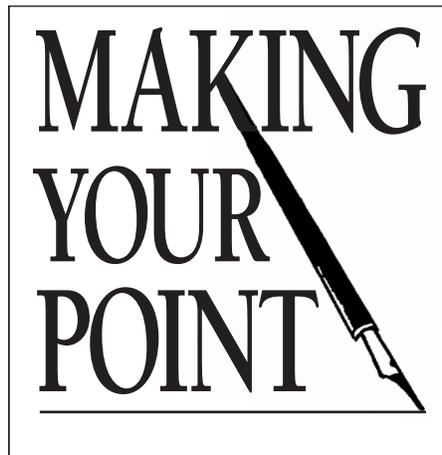
The first sentence articulates five concepts: denial, motion, sanction, spoliation and negative inference:

The court *denied* the plaintiff's *motion* for *sanctions* for *spoliation* in the form of a *negative inference*.

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You don't need to articulate all five concepts. You can eliminate "motion" and "spoliation" because motion is implicit in the denial, and spoliation is implicit in the destruction of an e-mail. You can also eliminate "sanction" because it is the set within which "negative inference" is a subset. Just say the court "declined to grant a negative inference." Everything else is understood. Though "declined to grant" is longer than "denied," it is tighter than "denied plaintiff's motion for"



because it presents only one concept (denial) rather than two (denial and motion).

"The court distinguished the present facts from those in *Smith v. Jones*" can be shortened to "The court distinguished *Smith v. Jones*." Facts are almost always distinguished. True, you are reversing which case was compared to which, but they are two sides of the same equation.

The noncommittal "noting" is a frequent dodge. It allows the writer to hint at a position rather than taking one. Did the court distinguish *Smith v. Jones* on the basis of the cited facts or not?

Generally, you should draw the causal connection where the reader expects it. Here, you should acknowledge the link between the court's observation and the court's conclusion with a strong connector such as "because" or "on the ground that"; otherwise, you manifest weakness. If you don't affirm the obvious tie, a reader may wonder why you are waffling.

If you are genuinely unsure why a court distinguished a case, you can use "apparently because." If the causal connection is likely but not certain, you can be assertive with "evidently because."

Thus far, we have reduced 54 words to 37 and made the passage more direct:

The court declined to grant a negative inference. It distinguished *Smith v. Jones* because the e-mail was destroyed by a person who was not a party to the case and who was not instructed to delete the e-mail.

I would begin the second sentence with "It" because repetition of "The court" sounds grade-schoolish.

You still have plenty of stone to chip away. In the phrase "a person who is not a party to the case," person and party are essentially the same, and "to the case" is implicit. Because "party" duplicates both "person" and "to the case," you can drop both in favor of "nonparty" ("the e-mail was destroyed by a nonparty").

You can also substitute "told" for "instructed," which is longer and has unnecessary academic connotations, and you can use a pronoun — one of the great compressors — in place of "the e-mail." We are now down to 27 words, half the original amount:

The court declined to grant a negative inference. It distinguished *Smith v. Jones* because the e-mail was destroyed by a nonparty who was not told to delete it.

At this point, you have made significant progress. The only segment left to prune is the concluding dependent clause (“who was not told to delete it”). Because the thought is important, you cannot discard it. Can you compress it?

An adverb describing how the e-mail was destroyed could suggest lack of control by the defendant. I considered “independently,” “gratuitously” and “inadvertently,” but none fit. Then I considered and chose “innocently” because the nonparty’s innocence means the defendant did not tell the nonparty what to do.

This change reduced the passage to 21 words:

The court declined to grant a negative inference. It distinguished *Smith v. Jones* because the e-mail was innocently destroyed by a nonparty.

This is pretty good. The second sentence goes straight to the “because” (if you can’t handle the because, you can’t handle the truth). It encapsulates the core fact in five words (“innocently destroyed by a nonparty”), and it ends with a fact you wish to emphasize (nonparty). To reach this point, you merely had to trim. The pieces were already in place.

Whether to create one sentence is a

judgment call. You could change “The court declined” to “Declining,” converting the first sentence from an independent clause to a dependent clause:

Declining to grant a negative inference, the court distinguished *Smith v. Jones* because the e-mail was innocently destroyed by a nonparty.

This saves a word, but I prefer the two-sentence version because the stand-alone first sentence emphasizes the court’s ruling.

In the alternative, you could subordinate the second sentence to the first:

The court declined to grant a negative inference, distinguishing *Smith v. Jones* because the e-mail was innocently destroyed by a nonparty.

Of the two subordination options, I prefer the latter. It emphasizes the court’s ruling, albeit with a less staccato pace than the two-sentence version.

Trimming such as the foregoing achieves brevity. Paradoxically, it may also reveal opportunities to add words to good effect. Here, for example, I would add a description of the destroyed evidence in *Smith v. Jones* to contrast the cases and to clarify which case involved the e-mail that was innocently destroyed:

The court distinguished *Smith v. Jones* because the e-mail there was intentionally destroyed by an

employee, whereas the e-mail here was innocently destroyed by a nonparty.

Trimming and augmentation work in synergy. You trim excess words to achieve clarity and emphasis, and you add compelling words to the same end. Sometimes you add and then trim, and sometimes you trim and then add. All roads lead to Rome.

## Puzzler

How would you tighten and sharpen the following sentence?

This case addresses the issue of whether the notes would be admissible as they were prepared in anticipation of litigation.

Drop “the issue” as implicit. Change “as” to “because” because as is standard in a causative role, and change admissible to inadmissible so the potential status of the notes (inadmissible) and the reason for the status (prepared in anticipation of litigation) are consistent.

The new version: This case addresses whether the notes would be inadmissible because they were prepared in anticipation of litigation.

Alternate version: This case addresses whether notes prepared in anticipation of litigation are inadmissible. ■