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Create a Parallel Universe for Rhythm and Reinforcement

A balanced structure can also improve clarity

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You may have heard the term “parallelism” in high school English. It describes the repetition of a verbal pattern to create rhythm and to reinforce the message. Parallel construction is a staple of legal writing because lawyers continually present series of principles, reasons and facts.

Here is an example of a sentence using parallel construction:

The jury was asked to determine whether plaintiff’s sales territory covered all three states, whether plaintiff could be terminated without cause, and, if not, whether plaintiff was properly terminated for cause.

The parallel element is the repeating “whether” clause.

Here is an example of a sentence lacking parallel construction:

The opening statement is intended to inform the jury about the nature of the action, the issues involved, and give the jury an outline of the facts.

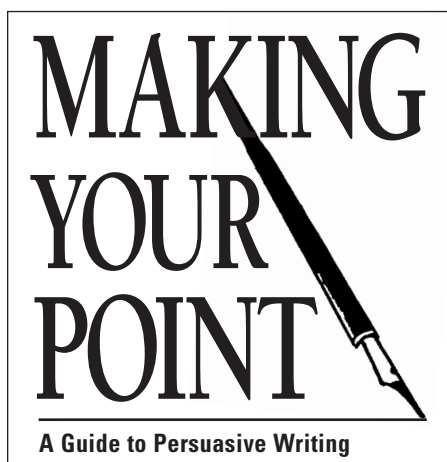
The sequence begins with two nouns (“nature” and “issues”), suggesting that

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a third noun will be next in the sequence (e.g., the “facts”). Instead, a verb appears (“give”). The two nouns create an expectation of a third, but the expectation is unfulfilled.

Several solutions are possible, including the following:

Version 1: The opening statement informs the jury about the nature of the action, the key issues and the essential



facts. (This version preserves the “Power of Three,” that is, the rhythm and reinforcement in a series of three items. It trims the unnecessary words “intended to” and “involved,” and, for precision and balance, it describes the issues as “key” and the facts as “essential.”)

Version 2: The opening statement informs the jury about the nature of the action and the issues, and it outlines the facts. (This version solves the parallelism problem by eliminating the series of three.)

Parallel construction assists the “flow” of writing, that is, the ease with

which the reader moves, and the momentum with which the reader is propelled, from one thought to the next. A reader expects items in a series to have the same grammatical structure. The first item in the series creates the expectation, and the remaining items either fulfill it or disappoint it.

If you interrupt the flow with gratuitous changes in syntax, the reader will become hesitant and will reserve energy to deal with surprises. Conversely, if the structure is predictable, the reader will relax confidently into the prose and may gain confidence in you and your ideas.

Clarity Benefits as Well

Reviewing your drafts for parallel construction may have a secondary payoff. It may alert you to problems with content as well as with flow. Consider the following passage, in which the writer reports what happened at a status conference before an administrative agency:

The last issues discussed at the status conference were the submission of additional testimony, protective orders, and whether a public hearing would be scheduled.

The sequence lacks parallel construction. The first item in the sequence is a conceptual noun (“submission”), the second is a concrete noun (“orders”), and the third is a noun clause beginning with “whether” (“whether a public hearing would be scheduled”).

Not only is the sequence eclectic, but it is unclear. The reader cannot tell whether the participants at the status

conference discussed the nature of additional testimony to be submitted or whether they discussed whether to submit any additional testimony at all. Similarly, the reader cannot tell what the parties discussed about protective orders. Was it their necessity or their form?

Assuming appropriate facts, the writer could have used the word “whether” as the repeating element of syntax:

The last issues discussed were whether additional testimony would be submitted, whether protective orders would be necessary and whether a public hearing would be scheduled.

With parallel construction, the message became clear: The parties discussed whether to submit additional testimony and whether to use protective orders. True, the writer could have achieved parallel construction by dropping the “whether” and using a series of three nouns (“The last three issues discussed were additional testimony, protective orders and a public hearing”), but the message would have been incomplete and thus unclear.

In the alternative, the writer could have used “whether” just once:

The last issues discussed were whether to take additional testimony, use protective orders and

hold a public hearing.

The repeating element “whether” is now consolidated in one use of that word, which works just as well. The

Parallel construction — a staple of legal writing — assists the “flow” of the text, that is, the ease with which the reader moves, and the momentum with which the reader is propelled, from one thought to the next.

construction is still parallel, even though the word “whether” appears only once, because the reader can tell that the word relates to all three items in the series.

Should you repeat the word “to,” saying “to take additional testimony, to

use protective orders and to hold a public hearing”? It is not necessary, but it is not wrong. The sound and sense work with or without the additional “to’s.”

Puzzler

How would you tighten and sharpen the following sentence?

A review of plaintiffs’ proposed amended complaint reveals that rather than clarify the allegations against ABC Company, plaintiffs have made them murkier.

“A reviewreveals” is implicit and can be deleted. “Plaintiffs” is also implicit and can be deleted though you could keep it for alliteration (“plaintiffs’ proposed....”). The concept of murkiness can be conveyed by a verb, “obscures,” which is more assertive and shorter (and thus has more “punch”) than the phrase “have made them murkier.” You do not need “allegations against ABC Company.” In a complaint, allegations are assumed, and unless ABC Company is only one of many defendants, it need not be identified.

The revised version:

The proposed amended complaint obscures what it should have clarified. ■