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In a Memo, the Short Answer Should Get Immediately to the Point

Busy lawyers appreciate brevity and directness

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Your job as a persuasive writer is to get to the point. If you don't, the reader may become impatient and possibly confused. Though you ultimately resolve the confusion and make a point, you will lose a tempo and, with it, some of the reader's confidence in you as a source of information and analysis.

In the memo format, this principle applies with greatest force in the Short Answer.

For example, a senior attorney asked an associate to research whether a 100-year lease of municipal property is subject to a realty transfer fee when the municipality, as lessor, records the lease. The answer was "no." Long-term leases involving a municipality as lessor or lessee are exempt from the realty transfer fee that would otherwise be due. But the Short Answer at the beginning of the memo appeared, momentarily, to come to the opposite conclusion:

A lease of ninety-nine (99) years or more is subject to a realty transfer fee paid by the lessor upon recording. However, a lease by or to a municipality is

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exempt from the fee.

The statement that a lessor recording a lease of 99 years or more must pay a realty transfer fee is true but inappropriate as a beginning for the Short Answer because the municipality is exempt from



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A Guide to Persuasive Writing

the fee. On the basis of the first sentence in the example above, a reader would deduce, incorrectly, that the municipality has to pay the fee.

The writer quickly changed direction with "However" (the reversal would have been quicker, and the punctuation better, had "however" been preceded by a semicolon), but the damage, more to the writer's standing than to the reader's understanding, was done.

As usual, the writer had a rationale. It was the serviceable principle that a general rule (that fees are required) should be stated before a specific application of the rule (that municipalities don't have to pay

the fee). But in the Short Answer, where a reader wants the bottom line quickly, this approach did not work.

The problem is easily fixed by beginning with what the reader wishes to know — whether municipalities have to pay the realty transfer fee:

Leases by or to a municipality are exempt from the realty transfer fee that lessors must pay upon recording a lease of ninety-nine (99) years or more.

The key word is "exempt." It signals that the municipality won't have to pay the fee. Where you know the reader wants a quick answer, as in the Short Answer in a memo, consider placing the key word as close to the beginning of the sentence as possible.

The sentence could also begin with "Although" to alert the reader that an exception exists to the principle the writer is about to state:

Although a lease of ninety-nine (99) years or more is subject to a realty transfer fee paid by the lessor upon recording, a lease by or to a municipality is exempt from a fee.

I favor the construction beginning "Leases" because it gets more quickly to the point. In the first eight words ("Leases by or to a municipality are exempt"), the reader learns not only that a fee is imposed on 99-year municipal leases but that lessors don't have to pay it.

Did the memo writer commit a serious offense? No. The reader would not be confused for long. But readers of memos can be impatient. They preside over many matters and have many issues to resolve. Every second that they have to wait for an answer makes their job harder. For this reason, they not only appreci-

ate but demand brevity and directness.

A crisp, immediate response to a question suggests that the author has confidence in the answer and is willing to take control of the material. In contrast, a slow-developing response suggests the author is shuffling to some drummer other than the principle of getting quickly to the point. A reader will sense inexperience.

Good writing requires a mindset that the reader must be well-served to be persuaded. To serve the reader, the writer must provide what the reader needs or wants to know when the reader needs or wants to know it. A memo reader wants a definitive answer promptly and wants to know that the writer will make every effort to provide one.

Puzzler

How would you tighten and sharpen the following sentence?

As a consequence of its status as a Sub-chapter S corporation, all tax

liability resulting from ABC Co.'s operations flows through the company to its record shareholders for all profits the company earns, irrespective of whether ABC Co. actually distributes those profits to its shareholders.

Like most Puzzlers, this is an exercise in deleting the implicit and shortening the essential. For example, "resulting from ... operations" is implicit because tax liability results from operations. The same is true for "all profits the company earns" because tax liability results from profits. The phrase "to its shareholders" is implicit because only shareholders receive distributions of profits.

"Because" is shorter than "As a consequence of" (yes, you may begin a sentence with "because"); "is" is shorter than "its status as"; and "whether or not" is shorter and smoother than "irrespective of whether." "Actually" is unnecessary.

The concept of tax liability flowing "through the company" is discretionary.

If your audience is naive in tax matters, you may wish to embellish the flow metaphor so that tax liability not only flows to the record shareholders but flows through the company on its way there.

Some may prefer the alternate version because of its no-nonsense "shareholders are liable" and the tight link between clauses created by the principal noun ("corporation") being followed immediately by a pronoun ("its") to begin the second clause.

The revised version:

Because ABC Co. is a Sub-chapter S corporation, tax liability flows to its record shareholders whether or not the company distributes profits.

Alternate version:

Because ABC Co. is a Sub-chapter S corporation, its record shareholders are liable for taxes whether or not the company distributes profits. ■