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Be Willing to Declare Causation

Assertiveness shows confidence and aids clarity

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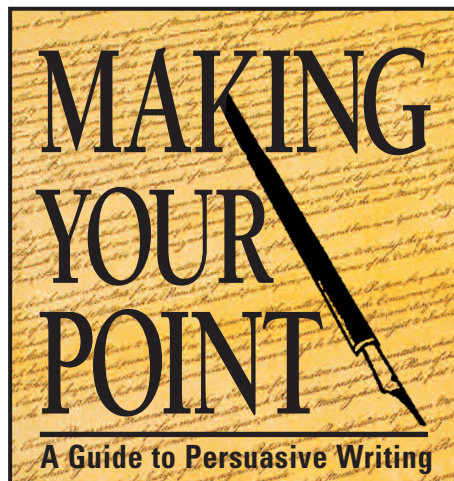
If writers believe in their arguments, or appear to, readers will believe in them as well, at least until they are convinced otherwise. This is human nature. People like to believe. Of course, arguments need legal and factual support, but a writer's apparent confidence in an argument gives the persuasive effort a head start and a continuing lift.

Writers can project confidence by, among other things, getting right to the point (which suggests they have no fear the point will fall short); saying exactly what they mean (no need to waffle if the point is strong); writing clearly (because they have nothing to hide); and writing succinctly (because they have no need to embellish an idea that is strong at its core). Not surprisingly, achieving these elemental goals of persuasive writing helps get your point across quickly, forcefully, and credibly.

A writing technique that projects confidence by following the foregoing guidelines — getting to the point, saying exactly what you mean, and writing clearly and succinctly — is the declaration of causation (e.g., “Defendant breached the contract *because* he failed to perform,” as opposed to the less committal, “Defendant failed to perform and breached the contract.”).

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Some writers shy away from declaring causation outright because bold, unqualified statements create clear targets, and a writer may not be entirely confident in the point. Using



“and” in a quasi-causative role is one technique for avoiding a firm declaration of causation. Its use seems to be a function of timidity (fear of committing to a position) and possibly lack of effort (not editing the thought) rather than ignorance (e.g., not knowing how to spell supersede or not knowing that using “as” for “because” can irritate readers.)

Consider the following two sentences from a brief challenging the admissibility of an expert report

addressing why underground plastic chambers for storing run-off water unexpectedly collapsed:

Smith's evaluation of the storage chamber is unreliable *and* should be deemed inadmissible. In that regard, Smith did not perform any testing of the strength of the chamber or the density of the soil that sits above it. [Emphasis added].

The “and” in the first sentence muddies the causative connection, leaving the reader to wonder, albeit briefly, whether the unreliability of the evaluation is the sole reason for inadmissibility or whether some other reason might be in play as well. The explanation isn't supplied until the second sentence.

A more effective approach is to say that the evaluation is inadmissible *because* it is unreliable or that it is unreliable and *therefore* inadmissible. “Because” and “therefore” are more assertive than “and” because they declare causation:

Smith's evaluation of the storage chamber should be deemed inadmissible *because* it is unreliable.

Smith's evaluation of the storage chamber is unreliable; *therefore*, it should be deemed inadmissible.

Alluding to causation with “and” is like saying you know a bad thing about the evaluation (that it's unreliable) and, for other reasons of which the reader may be aware (but you aren't saying what they are), the expert's evaluation should be found inadmissible. If you are unwilling to state firmly that Smith's evaluation should be deemed inadmissible *because* it is unreliable,

the reader may doubt your confidence in your position.

'In That Regard'

The phrase "In that regard" at the beginning of the second sentence bridges the gap between the conclusion (that the evaluation is "unreliable") and the reason why it is unreliable (that the expert didn't test the strength of the chamber or the density of the soil above it). "In that regard" is like "Specifically" — a transition born of a slow-developing style (e.g., "Plaintiff's fraud count was vague. Specifically, he provided no examples of false statements.").

Ironically, the transition appears to justify the length. After all, why would one need a transition if the sentences weren't inherently independent? The prose seems to flow, so the transition seems appropriate. Actually, it is unnecessary.

One can assert and explain causation in one smooth stroke by changing "In that regard" to "because," making one sentence out of two:

Smith's evaluation of the storage chamber is unreliable and therefore inadmissible because he did not perform any testing of the strength of the chamber or the density of the soil that sits above it.

This gets more quickly to the point.

To finish the job, we can reduce "perform any testing of" to "test" and, in a close call, delete "that sits," a phrase that adds some tonal value by alliterating with soil ("soil that sits") and by conveying a sense of weight on the chamber. Nevertheless, in balance, the drag of the extra words arguably outweighs the aural benefit from the alliteration and the visual benefit from the image of soil sitting on the chamber. (If we were to venture outside the parameters of the original text, we might end with ". . . soil pressing down on it.")

The phrase "chamber's strength" is shorter and possibly more emphatic than "strength of the chamber," but we need a structure parallel to "density of the soil" (thus, "strength of the chamber"). The possessive form "soil's density" won't work with "above it."

The final version would read as follows: Smith's evaluation of the storage chamber is unreliable and therefore inadmissible because he did not test the strength of the chamber or the density of the soil above it.

A two-sentence version (without "In that regard") would also work:

Smith's evaluation of the storage chambers is inadmissible because it is unreliable. He did not test the strength of the chamber or the densi-

ty of the soil above it.

In the alternate version, the explanation is slightly delayed by the sentence break, but it follows so closely upon the word "unreliable" that the connection is clear.

Puzzler

Which placement of "typically" is better, Version A or Version B?

Version A: The market reacts to this news *typically* by bidding up the shares.

Version B: The market *typically* reacts to this news by bidding up the shares.

Place the adverb (typically) close to the verb it modifies (reacts). The greater the separation in any combination, whether adverb and verb, adjective and noun, or noun and verb, the greater is the risk that the reader will lose the thread.

After the first seven words of Version A, the reader may ask, "What is the typical reaction to this news (not just of the market but of anyone)?" That is not the intended question. After the first four words of Version B, the reader is likely to ask, "How does the market typically react to this news?" That is the intended question, and the sentence answers it. Version B is better. ■