

FROM THE LEGAL WRITING CLINIC
WRITING TIP OF THE WEEK



PERSUASIVE STYLE—PART II

Give favorable information the most “airtime.” Emphasize favorable information by describing it in detail; de-emphasize unfavorable information by describing it more briefly.

- Ms. Smith consumed alcohol at the party.
- Ms. Smith immediately began guzzling beer from a keg. She then downed numerous shots of Jack Daniels during a drinking game.

Emphasize favorable information by placing it at the beginning or end of a paragraph or sentence or in a short sentence. “Bury” unfavorable information by placing it in the middle of a paragraph or sentence.

- Ms. Smith described the man as six feet tall and 180 pounds, with gray sweatpants, dark hair, and a beard. (to bury gray sweatpants)
- Ms. Smith described the man as six feet tall and 180 pounds, with dark hair and a beard. She noted that he was wearing gray sweatpants. (to emphasize gray sweatpants)

Juxtapose favorable and unfavorable information. Juxtapose unfavorable information in a subordinate clause with favorable information in a main clause.

- Although the boy waved a gun in the air, no one was injured. (to emphasize that no one was injured)
- Although no one was injured, the boy waved a loaded gun in the air. (to emphasize that he was waving the gun)

Use active and passive voice strategically. Use the active voice when you want to connect a party with certain actions and the passive voice when you want to distance a party from those actions.

- The Defendant abruptly transferred Mr. Smith to a branch office two weeks after Mr. Smith’s wife filed a discrimination claim. (active)
- The Plaintiff was transferred because of staffing issues. (passive)

Robin Wellford Slocum, Legal Reasoning, Writing, and Persuasive Argument 314-15 (2d ed. 2006); Laurel Currie Oates & Anne Enquist, The Legal Writing Handbook 271-75, 354-61, 513-18, 529-31 (5th ed. 2010).