

FROM THE LEGAL WRITING CLINIC
WRITING TIP OF THE WEEK

PERSUASIVE STYLE—PART I



Be a subtle advocate. Don't risk losing credibility with your reader by coming on too strong or attacking the other side. Instead, strive for a reasonable tone.

- *Too strong:* No one could possibly believe that Mr. Smith's complaints about his new office have any merit whatsoever.
- *Better:* Mr. Smith's complaints that his new office is unattractive and that the printer is too far away are mere inconveniences rather than significant changes in his employment status.

Choose persuasive words. To emphasize favorable information and present your case positively, use colorful and persuasive verbs, adverbs, and adjectives. To de-emphasize facts or information, use neutral, colorless words.

- The witness promptly spotted the man as he fled from the store.
- The witness saw a man leave the store.

Frame your arguments as conclusions rather than opinions. Opinion statements are less persuasive and typically include unnecessary "throat-clearing" phrases such as "it is arguable" or "our client maintains."

- *Opinion:* It is our contention that Mr. Smith took reasonable measures to keep the information secret.
- *Better:* Mr. Smith took reasonable measures to keep the information secret.

Argue affirmatively, rather than defensively. Focus your reader on your own argument by making affirmative instead of defensive statements whenever possible.

- *Defensive:* The defendant wrongly claims, on public policy grounds, that she should not be liable for the injury to Mr. Jones.
- *Affirmative:* Public policy mandates holding the defendant liable to Mr. Jones.

Robin Wellford Slocum, Legal Reasoning, Writing, and Persuasive Argument 311-26 (2d ed. 2006); Laurel Currie Oates & Anne Enquist, The Legal Writing Handbook 353-61, 592 (5th ed. 2010).