

The Scrivener: Modern Legal Writing



A False Economy

by K.K. DuVivier

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You see it's like a portmanteau—
there are two meanings packed into one word.
Through the Looking Glass
Lewis Carroll

Pause before you next decide to save some space in your brief or contract by defining a term with an acronym. Certainly, if you use only the initial letters of words, whole phrases can be distilled into one new word. Yet acronyms should be used sparingly in legal writing because this economy of ink is rarely an economy of thought.

Generally, an acronym is a pronounceable formation created by combining the initial letters or syllables of a string of words.¹ For example, WHO stands for World Health Organization. Thus, the acronym itself is a word, but it also contains the meanings of its component words.²

The letter formations we lawyers sometimes create, such as FLMPA for Federal Land Management and Policy Act, are less memorable than more common acronyms because the group of letters does not form a single pronounceable word.

Acronyms have been with us since the times of early Western civilization. For example, throughout ancient Rome, buildings were inscribed with the letters: S.P.Q.R. Only those present-day visitors to Rome who are familiar with Latin understand that these letters stand for *Senatus Populusque Romanus* ("the Senate and People of Rome"). And only those schooled in ancient history recognize that these letters symbolize the glory of Rome.

Acronyms have endured over the millennia not only for their economy but also for their intrigue. Those of us who work with words enjoy toying with them. Once we are initiated into the meaning of an acronym, we perpetuate its use with the satisfaction of someone who has cracked a code. Yet using an acronym dialect, within a cozy audience of those who understand, verbally isolates others. In much legal writing, our intent is to persuade uninitiated readers. Our message fails if we alienate our audience.

DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

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Even if we translate the acronym for our readers at the beginning of the document, one translation is usually not sufficient to make our readers fluent with a new concept. Unfamiliarity may cause readers to pause in the writing every time they encounter an acronym. If they do not recall what the letters stand for, they have two options. Either they will take the time to turn back and find the translation, which interrupts the train of thought, or they will proceed without fully understanding the concept. Both options waste the readers' valuable good will and energy that could better be devoted to the substantive concepts in our writing.

In acronyms, similar letters often are used for related concepts. Thus, several acronyms for environmental agencies or environmental reports start with the letter E—e.g., EPA and EDF. This similarity makes the acronyms especially difficult to distinguish.

Few acronyms have a universal meaning across disciplines or even within the same discipline. Readers who have learned that PC stands for "take with meals" in a prescription must think twice to recognize PC as standing for "personal computer" or "politically correct."

With acronyms, context—rather than the word itself—becomes the key to understanding. An acronym may seem efficient; it packs the meanings of several words into one word. But more than one meaning for a word can create ambiguity. Thus, an acronym often places an excessive burden on the readers' comprehension and interferes with the prime purpose of writing—to be understood.

NOTES

1. Acronyms are sometimes confused with anagrams. To create an anagram, the writer transposes letters of a word or sentence to form a new word or sentence. Thus, "Lirpa Sloof," the contact person for an April Fool's bill, congressional bill number 040194, that would ban drinking and driving on the information highway, is an example of an anagram.

2. Some acronyms, such as radar—ra(dio) d(etecting) a(nd) r(anging)—and SCUBA—s(elf) c(ontained) u(nderwater) b(reathing) a(pparatus), are so recognized as separate words that many readers do not realize they were created by combining other words.

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