

Writing Instruction

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Opening Comments

Writing Instruction

Part I – The Basics

The Purposes Of Legal Writing

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- **Efficient information transfer
from writer to reader**

The Purposes Of Legal Writing

- **Efficient information transfer from writer to reader**
- **Empowerment of the reader to deal with the information**

The Purposes Of Legal Writing

- **Efficient information transfer from writer to reader**
- **Empowerment of the reader to deal with the information**
- **In some contexts, to get the reader to react – persuasion**

The Golden Rule Of Writing

The Golden Rule Of Writing

- ***Always write for your audience***

The Golden Rule Of Writing

Possible audiences:

- **depends on your document
and the occasion**

The nature of your audience

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- **Less knowledgeable about your topic than you will be – you must *educate* them**

The nature of your audience

- **Less knowledgeable about your topic than you will be – you must *educate* them**
- **They don't know you. Are you smart? Can you be believed? – you must *instill confidence***

The nature of your audience

- **Overworked – you must *make it easy***

The nature of your audience

- **Overworked – you must *make it easy***
- **The reader has ego, independence and autonomy – you must *empower them* to use the information**

What you must do

- **This falls out of the purposes and the nature of your audience**

What you must do

- **Efficient information transfer, empowerment of the reader, get the reader to react, educate the reader, instill confidence, and make it easy.**

What you must do

- **Efficient information transfer, empowerment of the reader, get the reader to react, educate the reader, instill confidence, and make it easy.**
- **BE CLEAR, DIRECT AND BRIEF**

What you must do

- **NOT vague, indirect/evasive, and long-winded**

What you must do

- **You NEVER want the reader wrestling with your prose and questioning it**

What you must do

- You **NEVER** want the reader wrestling with your prose and questioning it
- You **ALWAYS** want the reader to soak it up, easily and with total trust.

How to do it

- **One main principle**
- **Four practical rules**

How to do it

- **One main principle: always provide context before detail, “point first writing”**

How to do it

- **One main principle: always provide context before detail, “point first writing”**
- **Say what you are going to do, then do it. Make a promise, then keep it.**

How to do it

- **Always ask yourself, “Does the reader know where I am going and why?” If not, stop, and implement “point first.”**

Why it works

- **The hidden power of “point first writing”**

Why it works

- **The hidden power of “point first writing”**
- **Readers absorb information best if they understand its significance as soon as they see it, not afterwards.**

An example

The husband hit his wife with a metal rod. She bled profusely. She went to the hospital. The doctor sewed up her wound. However, she died from the injury. The coroner conducted an inquiry. He called the husband as a witness. He declined to testify, invoking his right to silence. The husband has no right to silence in the coroner's inquiry in these circumstances.

An example

The husband has no right to silence in the coroner's inquiry in the circumstances of this case. In this case, the husband hit his wife with a metal rod. She bled profusely. She went to the hospital. The doctor sewed up her wound. However, she died from the injury. The coroner conducted an inquiry. He called the husband as a witness. He declined to testify, invoking his right to silence.

An example

More examples in the precedents

Four practical rules

To achieve clarity, directness and brevity...

Four practical rules

To achieve clarity, directness and brevity...

- **Use active, direct verbs**

Four practical rules

To achieve clarity, directness and brevity...

- **Use active, direct verbs**
- **Wage war on the verb “to be”**

Four practical rules

To achieve clarity, directness and brevity...

- **Use active, direct verbs**
- **Wage war on the verb “to be”**
- **Use one word if you can**

Four practical rules

To achieve clarity, directness and brevity...

- **Use active, direct verbs**
- **Wage war on the verb “to be”**
- **Use one word if you can**
- **Concentrate on coherence**

Four practical rules

To achieve clarity, directness and brevity...

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**Use active, direct
verbs**

Use active, direct verbs

**"It was said by the Supreme Court that
the law must be changed."**

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**"It was said by the Supreme Court that
the law must be changed."**

Better version:

Use active, direct verbs

"It was said by the Supreme Court that the law must be changed."

Better version:

"The Supreme Court said that Parliament must change the law."

Use active, direct verbs

Bad version:

"It was said by the Supreme Court that the law must be changed."

Good version:

"The Supreme Court said that Parliament must change the law."

Use active, direct verbs

Bad version:

"It was said by the Supreme Court that the law must be changed."

- 13 words
- 30 page memo

Good version:

"The Supreme Court said that Parliament must change the law."

- 10 words (-23%)
- 23 page memo

Use active, direct verbs

Bad version:

"It was said by the Supreme Court that the law must be changed."

- Who does the saying (the Supreme Court) is slipped in as an afterthought.
- Indirectness, evasion and doubt

Good version:

"The Supreme Court said that Parliament must change the law."

- Who does the saying is said up front.
- Directness, honesty and certainty

Use active, direct verbs

Bad version:

"It was said by the Supreme Court that the law must be changed."

- **Who must change the law is left entirely hidden.**
- **Imprecision, evasion**

Good version:

"The Supreme Court said that Parliament must change the law."

- **Who must change the law is disclosed.**
- **Precision, candour**

Use active, direct verbs

“You will be made to be moved by this baseball bat.”

Use active, direct verbs

“You will be made to be moved by this baseball bat.”

“This baseball bat will make you move!”

Four practical rules

To achieve clarity, directness and brevity...

- **Use active, direct verbs**
- **Wage war on the verb “to be”**
- **Use one word if you can**
- **Concentrate on coherence**

Wage war on the verb 'to be'

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**When possible, replace the verb “to be”
with an action verb**

Wage war on the verb 'to be'

**When possible, replace the verb “to be”
with an action verb**

Am, are, is, was, were, be, being, been

Wage war on the verb ‘to be’

“Smith’s contention is that those shares are worth \$50 million”

Wage war on the verb 'to be'

“Smith’s contention is that those shares are worth \$50 million”

Wage war on the verb 'to be'

**“Smith contends that those shares
are worth \$50 million”**

Wage war on the verb 'to be'

**“Smith values the shares
at \$50 million”**

Wage war on the verb ‘to be’

**“Smith’s contention
is that those shares
are worth \$50
million”**

**“Smith values the
shares
at \$50 million”**

Wage war on the verb 'to be'

**“Smith’s contention
is that those shares
are worth \$50
million”**

- 10 words**
- evasive, indirect**

**“Smith values the
shares
at \$50 million”**

- 7 words (-30%)**
- crisp, direct**

Wage war on the verb 'to be'

Exercise:

- **There was an intention by John Smith to be in violation of the contract.**
- **There is support for Mary Brown's testimony in the testimony of John Smith.**

Four practical rules

To achieve clarity, directness and brevity...

- **Use active, direct verbs**
- **Wage war on the verb “to be”**
- **Use one word if you can**
- **Concentrate on coherence**

Use one word if you can

Use one word if you can

**We are more likely to absorb things
that are easy to understand.**

Use one word if you can

We are more likely to absorb things that are easy to understand.

$$\left[\frac{(456 - 6^3) - 5}{40} \right] + \left[\frac{1/8 \times (240)}{(2 \times 3)(2 + 3)} \right] = ?$$

Use one word if you can

We are more likely to absorb things that are easy to understand.

$$\left[\frac{(456 - 6^3) - 5}{40} \right] + \left[\frac{1/8 \times (240)}{(2 \times 3)(2 + 3)} \right] = ?$$

$$1 + 1 = ?$$

Use one word if you can

A tip:

Use one word if you can

A tip:

**Write the way you would speak
to a neighbour or a family
member**

Use one word if you can

“He underwent three breath tests by means of a breath testing device”

Use one word if you can

~~**“He underwent three breath
tests by means of a breath
testing device”**~~

Use one word if you can

~~**“He underwent three breath
tests by means of a breath
testing device”**~~

“He took three breath tests”

Use one word if you can

**“He underwent three
breath tests by
means of a breath
testing device”**

**“He took three
breath tests”**

Use one word if you can

**“He underwent three
breath tests by
means of a breath
testing device”**

- 12 words**
- evasive, indirect**

**“He took three
breath tests”**

- 5 words (-58%)**
- crisp, direct**

With respect to your work from school, I have the strong desire that you have already reached an terminal point!



With respect to your work from school, I have the strong desire that you have already reached an terminal point!

???



**I hope you've done your
homework!**



**I hope you've done your
homework!**

!!!



Use one word if you can

Throat clearing phrases:

**“It is important to
note that the plaintiff
lived in Toronto”**

Use one word if you can

Throat clearing phrases:

**“It is important to
note that the plaintiff
lived in Toronto”**

Instead:

**“The plaintiff lived
in Toronto”**

Use one word if you can

Redundant pairs:

**“If and when we can
define and establish
our final aims and
goals, each and
every member of our
group will be able to
help.”**

Use one word if you can

Redundant pairs:

**“If and when we can
define and establish
our final aims and
goals, each and
every member of our
group will be able to
help.”**

Instead:

**“If we define our
goals, every
member of our
group will be able
to help”**

Use one word if you can

Redundant modifiers:

**In this world of
today, official gov't
red tape is seriously
destroying initiative
among individual
business
executives.”**

Use one word if you can

Redundant modifiers:

In this world of today, official gov't red tape is seriously destroying initiative among individual business executives."

Instead:

"Today, gov't red tape is destroying initiative among business executives."

Use one word if you can

Meaningless modifiers:

**“Most students
generally find some
kind of summer
work.”**

Use one word if you can

Meaningless modifiers:

**“Most students
generally find some
kind of summer
work.”**

Instead:

**“Most students
find summer
work.”**

Use one word if you can

Excessive discourse:

“It is almost certainly the case that, for the most part, totalitarian systems cannot allow a society to settle into what we would perceive to be stable modes of behaviour or, even more crucially perhaps, stable relationships.”

Use one word if you can

Excessive discourse:

“It is almost certainly the case that, for the most part, totalitarian systems cannot allow a society to settle into what we would perceive to be stable modes of behaviour or, even more crucially perhaps, stable relationships.”

Instead:

“Totalitarian systems cannot allow a society to settle into stable behaviour or stable relationships.”

Use one word if you can

Double negatives:

**“There is no reason
not to believe that
engineering
malfunctions in
nuclear energy
systems cannot
always be
anticipated.”**

Use one word if you can

Double negatives:

**“There is no reason
not to believe that
engineering
malfunctions in
nuclear energy
systems cannot
always be
anticipated.”**

Instead:

**“We can assume that
malfunctions in
nuclear energy
systems will surprise
us.”**

Use one word if you can

A phrase for a word:

“A small sail-powered craft that has turned on its side or completely over must remain buoyant enough so that it will bear the weight of those individuals who were aboard.”

Use one word if you can

A phrase for a word:

“A small sail-powered craft that has turned on its side or completely over must remain buoyant enough so that it will bear the weight of those individuals who were aboard.”

Instead:

“A small sailboat that capsizes must float well enough to support its crew.”

Use one word if you can

Obvious implications:

**“Energy used to power
our industries and
homes will in the years
to come be
increasingly expensive
in terms of dollars and
cents.”**

Use one word if you can

Obvious implications:

**“Energy used to power
our industries and
homes will in the years
to come be
increasingly expensive
in terms of dollars and
cents.”**

Instead:

**“Energy will cost
more.”**

Use one word if you can

- **And make it a simple word with concrete meaning, if you can**

Use one word if you can

- **And make it a simple word with concrete meaning, if you can**
- **Remember that you are writing the way you speak to a neighbour or a family member**

Use one word if you can

- **The questioning commenced at 5:30 p.m.**

Use one word if you can

- **The questioning commenced at 5:30 p.m.**
- **The officer attended at the house as soon as his office was contacted.**

Use one word if you can

- **The lawyer indicated that his client would not attend.**

Use one word if you can

- **The lawyer indicated that his client would not attend.**
- **Counsel advised the accused that the hearing was scheduled for 5:00 p.m.**

Use one word if you can

Lawyerly phrases that repel -

- **Adjacent to – next to**
- **With respect to – about**
- **In respect of – concerning**
- **In excess of – more than**
- **Prior to – before**
- **Pursuant to – under**

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **In one word, verbs say plenty: Acquire, take, grab, snatch, lift, pilfer, expropriate, steal, rob**

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **Adjectives, less so. They are clumsy and “in your face”: “He intentionally and sneakily took the bag” vs. “He pilfered the bag.”**

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **“She was very, very angry”**

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **“She was very, very angry”**
- **“She was enraged”**

(Wydick, *Plain English for Lawyers*, 4th ed.)

Use one word if you can

**Concentrate on the verbs, delete the
adjectives and adverbs.**

- **“This is quite puzzling.”**

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **“This is quite puzzling.”**
- **“This is baffling.”**

(Wydict, *Plain English for Lawyers*, 4th ed.)

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **“The witness intentionally testified untruthfully about the cargo”**

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **“The witness intentionally testified untruthfully about the cargo”**
- **“The witness lied about the cargo.”**

(Wydict, *Plain English for Lawyers*, 4th ed.)

Use one word if you can

Concentrate on the verbs, delete the adjectives and adverbs.

- **“Defendant’s sales agents maliciously took advantage of people with little money and limited intelligence.”**
- **“Defendant’s sales agents preyed on the poor and the ignorant.”**

(Wydict, *Plain English for Lawyers*, 4th ed.)

Four practical rules

To achieve clarity, directness and brevity...

- **Use active, direct verbs**
- **Wage war on the verb “to be”**
- **Use one word if you can**
- **Concentrate on coherence**

Concentrate on coherence

- **Micro-coherence: within sentences and between sentences**

Concentrate on coherence

- **Micro-coherence: within sentences and between sentences**
- **Macro-coherence: implementing point first within paragraphs and implementing the proximity principle (compression), and implementing overall point first**

Micro-Coherence: within sentences

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- **Keep subjects and verbs right together.**

Micro-Coherence: within sentences

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- **Divide information into bite-sized chunks. Don't be overly ambitious.**

Micro-Coherence: within sentences

- **Keep subjects and verbs right together.**
- **Divide information into bite-sized chunks. Don't be overly ambitious.**
- **Put like with like.**

- **Keeping subjects and verbs together:**

The plaintiff, John Smith, having sought since July 2010 to recover losses from Acme incurred in January of that year, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

- **Keeping subjects and verbs together:**

The plaintiff, John Smith, having sought since July 2010 to recover losses from Acme incurred in January of that year, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

The plaintiff, John Smith, having sought since July 2010 to recover losses from Acme incurred in January of that year, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

Having sought since July 2010 to recover losses from Acme incurred in January of that year, the plaintiff, John Smith, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

Having sought since July 2010 to recover losses from Acme incurred in January of that year, the plaintiff, John Smith, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

Micro-Coherence: within sentences

- **Keep subjects and verbs right together.**
- **Divide information into bite-sized chunks. Don't be overly ambitious.**
- **Put like with like.**

Divide information into bite-sized chunks:

Having sought since July 2010 to recover losses from Acme incurred in January of that year, the plaintiff, John Smith, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

Divide information into bite-sized chunks:

Having sought since July 2010 to recover losses from Acme incurred in January of that year, the plaintiff, John Smith, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

--- Lots going on there; reader has to pause and think

Divide information into bite-sized chunks

Having sought since July 2010 to recover losses from Acme incurred in January of that year, the plaintiff, John Smith, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

John Smith had a contract with Acme Co. In January, 2010, Acme breached it. For the next seven months, John suffered losses but Acme refused to compensate him. So John sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

Advantages from this change:

Having sought since July 2010 to recover losses from Acme incurred in January of that year, the plaintiff, John Smith, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

John Smith had a **contract** with Acme Co. In January, 2010, Acme breached it. For **the next seven months**, **John suffered losses but Acme refused to compensate him.** So John sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

Micro-Coherence: within sentences

- **Keep subjects and verbs right together.**
- **Divide information into bite-sized chunks. Don't be overly ambitious.**
- **Put like with like.**

Put like with like:

John Smith had a contract with Acme Co. In January, 2010, Acme breached it. For the next seven months, John suffered losses but Acme refused to compensate him. So John sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

John Smith entered into a contract with Acme Co. based on certain representations of its employee, Mary Brown. In January, 2010, those representations proved to be false. For the next seven months, John suffered losses but Acme refused to compensate him. John seeks damages from Acme for the breach of contract and from Mary and Acme, as her employer, for the negligent misrepresentation.

The overall difference:

The plaintiff, John Smith, having sought since July 2010 to recover losses from Acme incurred in January of that year, sued Acme Co. for damages for breach of contract and also sued both Acme's salesperson, Mary Brown, and Mary's employer, Acme, for damages for negligent misrepresentation.

John Smith entered into a contract with Acme Co. based on certain representations of its employee, Mary Brown. In January, 2010, those representations proved to be false. For the next seven months, John suffered losses but Acme refused to compensate him. John seeks damages from Acme for the breach of contract and from Mary and Acme, as her employer, for the negligent misrepresentation.

Micro-Coherence: between sentences

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Mary Brown claims that she wrote the book, “Coming Alive”. The novel was about a love affair between two people, Bob and Janice. The man first began romancing the woman in 1984. 16 years ago, their child was born out of wedlock.

Micro-Coherence: between sentences

Mary Brown claims that she wrote the book, “Coming Alive”. The novel was about a love affair between two people, Bob and Janice. The man first began romancing the woman in 1984. 16 years ago, their child was born out of wedlock.

Micro-Coherence: between sentences

Mary Brown claims that she wrote the
book, “Coming Alive”. The novel was
about a love affair between two people,
Bob and Janice. The man first began
romancing the woman in 1984. 16 years
ago, their child was born out of wedlock.

Micro-Coherence: between sentences

**...is this “novel” the “book” I was
told about?**

Micro-Coherence: between sentences

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Mary Brown claims that she wrote the book, “Coming Alive”. This book was about a love affair between two people, Bob and Janice. Their love affair first began in 1984. 16 years ago, their child was born out of wedlock.

Micro-Coherence: between sentences

Mary Brown claims that she wrote the book, “Coming Alive”. This book was about a love affair between two people, Bob and Janice. Their love affair first began in 1984. In 1995, their child was born out of wedlock.

Mary Brown claims that she wrote the book, “Coming Alive”. The novel was about a love affair between two people, Bob and Janice. The man first began romancing the woman in 1984. 16 years ago, their child was born out of wedlock.

Mary Brown claims that she wrote the book, “Coming Alive”. This book was about a love affair between two people, Bob and Janice. Their love affair first began in 1984. In 1995, their child was born out of wedlock.

Micro-Coherence: between sentences

Words that help micro-coherence:

**Transitional words: "for example",
"therefore", "however", "on the other
hand", "further", "moreover", "thus",
"consequently", "accordingly." Orienting
words: "for the most part",
"historically," "in this case."**

Recap: Coherence

- **Micro-coherence: within sentences and between sentences**
- **Macro-coherence: implementing point first within paragraphs and implementing the proximity principle (compression), and implementing overall point first**

Recap: Coherence

- **Micro-coherence: within sentences and between sentences**
- **Macro-coherence: implementing point first within paragraphs and implementing the proximity principle (compression), and implementing overall point first**

**Macro-Coherence:
Point first in paras.**

Macro-Coherence: Point first in paras.

- **Point first – topic (first) sentence – glue to previous paragraph using micro-coherence techniques**

Macro-Coherence: Point first in paras.

- **Point first – topic (first) sentence – glue to previous paragraph using micro-coherence techniques**
- **Then logical development using micro-coherence techniques**

Macro-Coherence: Point first in paras.

- **Point first – topic (first) sentence – glue to previous paragraph using micro-coherence techniques**
- **Then logical development using micro-coherence techniques**
- **Develop from old information to new.**

Macro-Coherence: Point first in paras.

- **Point first – topic (first) sentence – glue to previous paragraph using micro-coherence techniques**
- **Then logical development using micro-coherence techniques**
- **Develop from old information to new.**
- **Concluding sentence**

Macro-Coherence: The proximity principle

Macro-Coherence: The proximity principle

- **An advanced technique**

Macro-Coherence: The proximity principle

- **Structuring adds to meaning and understanding**

Macro-Coherence:

The proximity principle

- **Structuring adds to meaning and understanding**
- **Putting like things with like things helps the reader make connections**

Macro-Coherence:

The proximity principle

- **Structuring adds to meaning and understanding**
- **Putting like things with like things helps the reader make connections**
- **Keeping different things apart adds to clarity and understanding**

Macro-Coherence: The proximity principle

The proximity principle:

Macro-Coherence:

The proximity principle

The proximity principle:

- **Closely related information and ideas should be kept together**

Macro-Coherence:

The proximity principle

The proximity principle:

- **Closely related information and ideas should be kept together**
- **Unrelated information and ideas should be kept apart**

Macro-Coherence:

The proximity principle

The proximity principle:

- **Closely related information and ideas should be kept together**
- **Unrelated information and ideas should be kept apart**
- **The reader encounters the facts and law together when relevant**

Macro-Coherence: The proximity principle

An example...

Macro-Coherence: Implementing overall point first

- **The role of overviews and introductions (more next week)**

Macro-Coherence: Implementing overall point first

- **The role of overviews and introductions (more next week)**
- **Aids to structure: headings, transitions throughout to give constant orientation and pt. first**

Macro-Coherence: Implementing overall point first

- **The role of overviews and introductions (more next week)**
- **Aids to structure: headings, transitions throughout to give constant orientation and pt. first**
- **Brief orienting paragraphs when needed**

Writing Instruction

Part II – Advanced writing techniques

Skilful use of detail can persuade.

Skilful use of detail can persuade.

“The Respondent obtained information that many hundreds of members, friends and associates of a known outlaw motorcycle gang, the Paradise Riders, were to gather on four weekends on a small property in the middle of the quiet rural hamlet of Caesarea, population 700.”

Skilful use of detail can persuade.

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“The Respondent obtained information that many bikers were to gather a number of times on a small property in an Ontario town.”

Punctuation

The dash – a comma with attitude

“The appellants fail to address how this Court should balance the important needs of public safety, public order, peacekeeping and highway safety on the one hand with the vital constitutional rights of individuals on the other hand – perhaps because they only deal with the latter and never acknowledge the existence of the former.”

The dash – a comma with attitude

“The Barbados Supervisor of Insurance met privately with Manulife before the public approval hearing, disclosed to Manulife his views in advance of the hearing and received submissions from Manulife. The Supervisor also met privately with Manulife after the public hearing and received submissions. The real business did not take place at the public hearing. It took place behind a closed door – with the Barbados policyholders outside the door.”

Use lists (tabulations)

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You are eligible for a bonus at the end of a calendar year if your sales are over \$2,000,000, you are still an employee on December 31 of that year, your performance review is satisfactory and you have been with the company more than 10 years.

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- (a) your sales are over \$2,000,000;**
- (b) you are still an employee on December 31 of that year;**
- (c) your performance review is satisfactory; and**
- (d) you have been with the company more than 10 years.**

Lists and point first combined

“[T]he facts as found...do not implicate any of the three main elements of Canada’s war crimes policy:

(a) *Direct involvement or complicity.* The Federal Court did not find that Mr. Odynsky and Mr. Katriuk were directly involved or directly complicit in war crimes or crimes against humanity.

(b) *Awareness or contribution.* The Federal Court did not find that Mr. Odynsky and Mr. Katriuk were aware of the commission of war crimes or crimes against humanity, nor did it find that they contributed directly or indirectly to their occurrence.

.....

**The start and end of a sentence is prime
real estate.**

“Never in the field of human conflict was so
much owed by so many to **so few.**”

The start and end of a sentence is prime real estate.

“The police obtained information that many hundreds of members, friends and associates of a known outlaw motorcycle gang, the Paradise Riders, were to gather on four weekends on a small property in the middle of the quiet rural hamlet of Caesarea, population 700.”

**The start and end of a sentence is prime
real estate.**

**The same is true for the start and end of
paragraphs.**

**Repetition of words or ideas
(if not overused) can underscore a point.**

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**“We must have government of the
people, by the people, for the people.”**

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**Sentence structures
can emphasize a point
(better than flashy metaphors,
strong adjectives or
bold/italicized/underlined font)**

Sentence structures can emphasize a point

**Structures leading to climax, to emphasize
a lengthy, careful process:**

**“The plaintiff carefully negotiated the draft
contract, frequently amended the draft
contract and finally signed the draft
contract.”**

**Sentence structures
can emphasize a point**

**-- particularly unexpected reversals
of concepts and abrupt transitions**

Reverse or ironic structures:

- “He saved others; himself he cannot save”
- “Do not ask what your country can do for you; ask what you can do for your country.”
- “Manulife’s representative gave those at the public hearing the impression that the possibility of demutualization was remote and that the policyholders should receive little or nothing for their ownership rights. That was what he did publicly; privately, around the same time, he told Manulife to work on demutualization.”

**Unexpected usages or strange structures
(often at the end of a paragraph):**

“The launching of a proposed class action is a matter of great seriousness, potentially affecting many class members’ rights and the liabilities and interests of defendants. Complying with the Rules is not trifling or optional; mandatory and essential it truly is.”

Parallel structures (periodic sentences):

“Vigorous writing is concise. A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts. This requires not that the writer make all his sentences short, or that he avoid all details and treat his subjects only in outline, but that every word tell.”

- -- E.W. White, *The Elements of Style*

“We must have government of the people, by the people, for the people.”

Artful modifiers.

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Resumptive modifiers:

“The Supreme Court has decided 670 Charter cases, cases that have enhanced our understanding of human rights.”

Artful modifiers.

Summative modifiers:

“The Supreme Court has decided 670 Charter cases, a mountain of law that no one could have foreseen.”

Beat and rhythm

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**Vary the sentence (and paragraph)
length.**

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“We must take September 15 as the culminating date. On this day the Luftwaffe, after two heavy attacks on the 14th, made its greatest concentrated effort in a resumed attack on London.

“It was one of the decisive battles of the war, and, like the Battle of Waterloo, it was on a Sunday. I was at Chequers. I had already on several occasions visited the headquarters of Number 11 fighter Group in order to witness the conduct of an air battle, when not much happened. However, the weather on this day seemed suitable to the enemy and accordingly I drove over to Uxbridge and arrived at the Group Headquarters.”

Vary the sentence (and paragraph) length.

“If Inco’s submissions are rejected and relief is not granted in this case, the effect will be that IEB officers will be able to exercise the impugned powers at any time, to any extent, in any manner. The only limits will be at the whim of the IEB officer. This is a concern. Unlike regular police officers, IEB officers are not subject to codes of conduct and the other safeguards found in the *Police Services Act*, R.S.O. 1990, c. P.15, such as complaints/discipline processes and formal inquiries.”

Understatement persuades.