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# Sentences and Paragraphs: A Revisionist Philosophy

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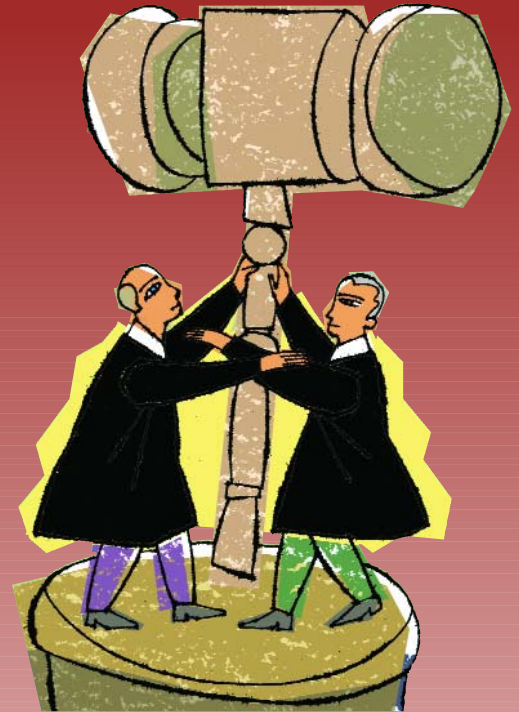
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# Journal



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# Sentences and Paragraphs: A Revisionist Philosophy

BY GERALD LEBOVITS

**R**evision is true vision. As Justice Brandeis observed, “there is no such thing as good writing. There is only good rewriting.”<sup>1</sup> This column explores editing techniques to improve sentences and paragraphs.

### Sentences

Short is better than long. Strive for an average length of 15 to 17 words. Too many short sentences in a row sound angry, clipped, and impatient.<sup>2</sup> Varying sentence length is best. Variety of length makes your legal writing less monotonous and more readable.

Maximum sentence length should be 25 words or three lines (whichever is less) for legal writing (20 words in other forms of writing) and one thought only. According to some experts from New York Law School, “a sentence that includes too many thoughts makes it difficult to follow the point . . . .”<sup>3</sup>

Begin your sentence with a short, simple idea. Save the complex, lengthy part for the end. If your one-thought sentence is still too cumbersome or complex, cut, chop, slice, and dice again.

*Exception:* Of the writers who use lengthy sentences for dramatic effect from time to time, Justice Scalia is a master, and his famous 202-word sentence in *Edwards v. Aguillard*<sup>4</sup> breaks some rules, although it is a linguistic tour de force because his sentence length poetically matches the point he illustrated — that legislators have many reasons to support or oppose legislation — and because he composed a readable sentence in which he controlled sprawl by counting syllables, by featuring his subject through parallelism (the 13 “he may haves”), by breaking up his sentence into units of between eight and 24 words, and by

using 11 polysyndetons (the conjunction “or”). (Note: My preceding sentence contains 106 words, not including the citation.) Here’s Justice Scalia’s sentence:

He may have thought the bill would provide jobs for his district, or may have wanted to make amends with a faction of his party he had alienated on another vote, or he may have been a close friend of the bill’s sponsor, or he may have been repaying a favor he owed the majority leader, or he may have hoped the Governor would appreciate his vote and make a fundraising appearance for him, or he may have been pressured to vote for a bill he disliked by a wealthy contributor or by a flood of constituent mail, or he may have been seeking favorable publicity, or he may have been reluctant to hurt the feelings of a loyal staff member who worked on the bill, or he may have been settling an old score with a legislator who opposed the bill, or he may have been mad at his wife who opposed the bill, or he may have been intoxicated and utterly unmotivated when the vote was called, or he may have accidentally voted “yes” instead of “no,” or, of course, he may have had (and very likely did have) a combination of some of the above and many other motivations.

For an opinion that should win more than merely the Longest and Most Complex Sentences Award, see *In re Goalen*.<sup>5</sup> In that 1973 case, the Utah Supreme Court forbade a woman from marrying an inmate. Here are two incomprehensible sentences from that opinion, reprinted verbatim. The first is 158 words. The second is a 161-word fragment. With 161 words, the court should at least have written a full sentence. The two sentences are shocking,

not only because of their grammatical errors and length:

When and if the Supreme Court of the United States says the Fourteenth Amendment guarantees an unrestricted right for two persons of any character or status to marry — the 50 states to take it lying down — simply because citizens or resident aliens or felons, or syphilitics, etc. profess to have unlimited civil rights, and that a felon has the same constitutional right to marry, and perhaps become a behind-bars father without any semblance of parental control, — which also would deny to the states a right to prevent a couple of homosexuals, for example, from marrying, or condone the switch of wives by swingers, this country then will have switched to legalized indiscriminate sex proclivities with a consequent rising incidence of disease, poverty, and indolence, — but worse, to subject unwary citizens to the whim and caprice of the federal establishment, — not the states, — leading to a substitution of a bit of judicial legislation for plain ordinary, horse sense.

***The simple sentence has one subject and one verb. But it’s no simpleton.***

However, this does not mean that the Constitution of the United States, which in no uncertain terms says the states are supreme in this country and superior to the philosophy of federal protagonists who deign to suggest that a coterie of 3 or 5 or even 9 federal persons immune from public intolerance, by use of a pair of scissors and the whorl of a 10 cents ball-point pen, and a false sense of last-minute confessional

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importance, can in one fell swoop, shakily clip phrases out of the Constitution, substitute their manufactured voids with Scotch-taped rhetoric, and thus reverse hundreds of cases dimmed only by time and nature, but whose impressions indestructibly already indelibly had been linotyped on the minds of kids and grandkids who vowed and now would or will vow to defend, not only the institution of marriage and motherhood, but to reserve to the states a full budget of legitimate, time-tested mores incident to that doctorate.<sup>6</sup>

To make your sentences sharp and concise, lift the main subject, verb, and object. Then remove imprecise subject-verb combinations. Then revise for subject-verb-object order: who did what to whom. That's the active voice.

Keep subjects near their verbs and verbs near their objects. Northwestern School of Law Professor Helene Shapo, writing with Brooklyn Law School Professors Marilyn R. Walter and Elizabeth Fajans, explained the reason for this rule: "When you separate the subject and the verb with a series of interrupting phrases, you leave the reader in limbo."<sup>7</sup>

Feature the subject, but do not begin every sentence with a subject ("The court noted . . ."; "The court found . . ."; "The court held . . ."). From time to time substitute subjects with subordinate clauses, subordinating independent clauses to assure flow and to rank ideas in order of importance. Then place the main idea in the main clause, after the dependent clause. For variety, begin sentences occasionally with "after," "although," "as," "as if," "as long as," "because," "before," "if," "though," "until," "when," "where," or "while."

Vary sentence structure. The simple sentence has one subject and one verb. It's no simpleton, though: "Simple declaratory sentences are the easiest to read."<sup>8</sup> Some believe that simple sen-

tences dumb down writing. These lost souls should read Hemingway. In his work they'll see the power of the simple sentence.

**To make your sentences sharp and concise, lift the main subject, verb, and object. Then remove imprecise subject-verb combinations.**

Not every sentence should be simple. A few should be compound, complex, or compound-complex. Compound sentences contain two independent clauses; the clauses are linked with a semicolon, or, they are linked with a coordinating conjunction. Complex sentences contain a main, independent clause and at least one dependent clause linked by a subordinating conjunction, as explained two paragraphs earlier. Compound-complex sentences contain at least two independent clauses, and at least one dependent clause, all somehow linked.

*A tip:* Coordinate to link independent clauses; subordinate to put the main idea in the main clause and the less important idea in the dependant clause.

Revisit sentences whose primary phrases are not prominent. Infinitive phrases: "File the brief with the clerk to avoid delay." *Becomes:* "Avoid delay by filing the brief with the clerk." Participial phrases: "Judge X picked up a pen, writing the opinion in two hours." *Becomes:* "Judge X wrote the opinion two hours after she picked up a pen."

## Paragraphs

Paragraphs divide material into digestible bits, force the writer to develop separate themes, and make the writer's organization apparent.

Maximum length: Two-thirds of a page or 250 words, whichever is less, or one large thought.

Despite what you learned in sixth grade, paragraphs need not have exactly three sentences.

Reserve one-sentence paragraphs for those sentences that must have great emphasis. If you use too many one-sentence paragraphs, you will lose all emphatic effect.

Breaking up paragraphs isn't hard to do. It's visually helpful to the reader. But using too many short paragraphs in rapid order is distracting and angry-sounding. As with sentences, vary paragraph length.

Begin large ideas with a paragraph that starts with a topic sentence that introduces your topic. Every sentence in your large idea — which might take more than one paragraph to finish — must relate to and amplify your topic sentence. One way to have a topic sentence is to take the last sentence of a paragraph and put it at the start of the next paragraph.

Use transitional devices to divide paragraphs and to connect one paragraph to the next when a paragraph becomes lengthy. The best transitional devices join paragraphs seamlessly. Repeat something — a word, a concept — from the last sentence of one paragraph in the first sentence of the next paragraph.

Conclude your large idea with a thesis sentence, which states your thesis. Your thesis sentence should summarize and answer your topic sentence but should not restate it. If the topic sentence is "Defendant's testimony was incredible," the thesis sentence might be: "The court should reject defendant's version of the facts." Just as every sentence in the large idea should relate to and amplify the topic sentence, every sentence in the large idea should lead to the conclusion set out in the thesis sentence.

The Legal Writer will conclude this large idea with some revisionist philosophy. Few legal writers have the time to study every revision technique whenever they write. But they don't need to. They can acquire techniques to edit sentences and paragraphs one at a time until they program their mental computers.

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1. Charles W. Pierce, *The Legal Profession*, 30 *The Torch* 5, 8 (1957) (quoting Louis D. Brandeis, who in turn borrowed from Gustave Flaubert)).
2. A series of short, choppy sentences: "See Dick. Dick sees Jane. Dick sees Jane's purse. Dick takes Jane's purse. See Dick run."
3. Cathy Glaser *et al.*, *The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy* 184 (2002) (urging writers to use only "one main thought in each sentence").
4. 482 U.S. 578, 637 (1987) (Scalia, J., dissenting).
5. 30 Utah 2d 27, 29–30, 542 P.2d 1028, 1029–30 (1973) (Henriod, J.).
6. In response to *Goalen*, the Utah Legislature allowed inmates to marry. The Supreme Court then denied certiorari for want of jurisdiction. *See* 414 U.S. 1148 (1974) (Stewart, J., dissenting from denial of petition for certiorari).
7. Helene S. Shapo *et al.*, *Writing and Analysis in the Law* 165 (3d ed. 1995).
8. James D. Hopkins, *Notes on Style in Judicial Opinions*, 8 *Trial Judges J.* 49 (1969) (reprinted in Robert A. Leflar, *Quality in Judicial Opinions*, 3 *Pace L. Rev.* 579, 585 (1983)).