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# Uselessly Accurate

Patrick Barry

“What makes writing so difficult? Isn’t it the blind craze to say too much?” — Anzia Yeziarska<sup>1</sup>

“There is an accuracy that defeats itself by the overemphasis of details . . . . The sentence may be so overloaded with all its possible qualifications that it will tumble down of its own weight.” — Justice Benjamin Cardozo<sup>2</sup>

Lawyers and law students have a tendency to be uselessly accurate, especially when they write. They pack their memos and briefs with a lot of information that, although perfectly true and well supported, does nothing to advance their argument or sharpen their analysis. Most of the time, this information just ends up being distracting.

The problem is different from that of including inappropriate details — too much information (or TMI, as people sometimes call it). TMI involves failures of discretion and decorum. Useless accuracy, on the other hand, involves failures of scope and specificity.

The story of how 7UP got its name provides a good example.<sup>3</sup> When Charles Leiper Grigg invented 7UP back in 1929, he initially called it “Bib-Label Lithiated Lemon-Lime Soda.”<sup>4</sup> That’s uselessly accurate. Yes, the drink had a lemon-lime flavor. Yes, it

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<sup>1</sup> Anzia Yeziarska, *Bread Givers: A Novel* xxix (1925).

<sup>2</sup> Benjamin N. Cardozo, *Law and Literature and Other Essays* (1925).

<sup>3</sup> Andrew F. Smith, *Food and Drink in American History: A “Full Course” Encyclopedia* 808 (2013) (citing Jeffrey L. Rodengen, *The Legend of Dr Pepper /7Up* (1995)).

<sup>4</sup> *Our Brands*, Dr Pepper Snapple Group, <https://www.drpeppersnapplegroup.com/brands/7up> (last visited Mar. 24, 2017).

was a soda. And yes, it was lithiated: meaning that it contained lithium citrate. But no, we don't need all that information in the title.

Grigg's next attempt wasn't much better: "7UP Lithiated Lemon Soda." It wasn't until 1936 that he decided to go simply with "7UP," a name that has delighted — and intrigued — consumers ever since. There's a lot of speculation, for instance, about whether the "7" in "7UP" comes from:

- (1) the seven ingredients that originally made up the drink;
- (2) the seven-ounce bottles originally used to sell the drink;
- (3) Grigg's (largely facetious) boast that it would cure life's "seven hangovers."

Nobody knows for sure. All we do know is that as a name, "7UP" is much, *much* better than "Bib-Label Lithiated Lemon-Lime Soda." The other information is uselessly accurate.

### **Being a Bore**

There are worse problems to have, of course, particularly in an era of "fake news" and "alternative facts." At least uselessly accurate information is still accurate. Yet this penchant for hyper-inclusion, for stuffing writing with unnecessary facts and data, can have significant negative consequences for the intended audience.

Boredom, for example.

Nothing loses your reader faster — whether she be a judge, a teacher, or a colleague — than an overabundance of details. "The secret to being a bore," Voltaire wrote back in 1737, "is to tell everything."<sup>5</sup>

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<sup>5</sup> The Voltaire Foundation, University of Oxford, *The Complete Works of Voltaire* 520 (1991) ("Le secret d'ennuyer est celui de tout dire.").

But being uselessly accurate creates another problem as well, one that can be even more costly in both the academic and professional worlds. It leaves less room to be helpfully persuasive, which is often the main goal when it comes not just to writing legal briefs but also to writing application essays, grant proposals, or all kinds of other documents — including research papers, résumés, and cover letters. When limited by a word or page limit, as students and professionals often are, writing becomes a zero-sum game. Every time you include one word or phrase, you can't include another word or phrase.

Which is why writers of all kinds might benefit from the “Need-to-Know Principle”: What does the reader (whether a judge, fellowship committee, employer, or investor) need to know to decide in your favor? Everything else, delete.

The principle works especially well with law students and young attorneys. Not in the sense of giving them a precise formula for figuring out what various decision-makers need to know and what they don't. That kind of knowledge primarily comes with experience, with trial and error, with informed guidance from good teachers and mentors, and with time.

Rather, the Need-to-Know Principle works well in that it helps writers remember that their readers are likely busy people with a lot on their minds and little patience for irrelevant material. “Sentences are attention economies,”<sup>6</sup> the rhetorician Richard Lanham has noted. Writing something that is uselessly accurate is therefore not just an affront to style; it is an affront to efficiency.<sup>7</sup>

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<sup>6</sup> Richard A. Lanham, *Revising Prose* 21 (5th ed. 2007).

<sup>7</sup> Lanham makes this point nicely in *Revising Prose* when examining an overstuffed sentence written by an economist. “Why has there been no transfer here of economic thinking to economic prose?” Lanham asks. “Why no transfer of power from argument to expression? Why do these writers, who study the efficient allocation of scarce resources, waste two-thirds of their vital resource—the reader’s attention?” *Id.* at 23.

It's giving your readers empty calories. It's making them use a product with unnecessary parts.

Take this description of an unemployment case's procedural history. It's from an appellate brief written by two students doing live client work in a clinic at the University of Michigan Law School:

On October 15, 2015, the Agency issued a Redetermination stating that Ms. Southey was disqualified from receiving benefits under § 29.1(a) of the statute. On October 20, 2015, Southey timely appealed the Redetermination. An Administrative Law Judge conducted a telephone hearing on the matter on December 16, 2015, and issued an Order affirming the Agency's October 15, 2015 Redetermination on December 18, 2015. On January 17, 2016, Ms. Southey requested a rehearing on the matter. On January 21, 2016, the Administrative Law Judge issued an Order denying Ms. Southey's request for rehearing.

We are only one paragraph into a section that ultimately stretches to three paragraphs, and yet we are already overwhelmed with unnecessary parts. Does the judge need to know the specific date of every filing, every hearing, every action that was pursued? All of these dates are, of course, accurate. But few are useful. They don't need to be there. They don't do any explanatory or persuasive work. They just take up space.

A rewrite gets closer to what a judge would want:

On October 15, 2015, the Agency issued a redetermination stating that Ms. Southey was disqualified from receiving benefits. Ms. Southey timely appealed. An administrative law judge conducted a telephone hearing and eventually issued an order affirming the Agency's redetermination. Ms. Southey's request for a rehearing was denied.

Note the size difference between the paragraphs. The original version was 92 words. The rewrite is 47. That's a big gain in

efficiency. Imagine if you could do that with all your paragraphs, or at least some of them. Imagine how much time and mental energy you would save your readers. (The rewrite also eliminates unnecessary capitalization.)

### Maximally Considerate

There's hope, however. Being uselessly accurate is fortunately the type of problem for which awareness can be an antidote. Simply introducing "uselessly accurate" as a common infirmity makes many writers — especially student writers — smile in recognition. It's as if they had been struggling with an unknown condition for many years and now finally have a name for it. More importantly, they also soon start to write more purposeful sentences.

Even more effective is adding in the term "helpfully persuasive" to create the following spectrum:

*Uselessly Accurate* ←————→ *Helpfully Persuasive*

Something about the visual distance between these two terms gets writers thinking about what they need to think about: that accuracy is a necessary but not sufficient element when it comes to persuasion; that there must be a compelling reason for every fact and figure in their drafts; that in the end, writing is about selection and a kind of strategic restraint that is also, at its core, deeply courteous. David Foster Wallace once made this point quite well in a piece that came out of his own experience teaching students to write better: "‘Formal writing’ does not mean gratuitously fancy writing; it means clean, clear, maximally considerate writing."<sup>8</sup>

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<sup>8</sup> David Foster Wallace, *Both Flesh and Not: Essays* 261 (2013).

It would be nice to think Charles Leiper Grigg was being maximally considerate when he deleted “Bib-Label Lithiated Lemon-Lime Soda” from the name of his soft drink. It would be nice to think that he eventually said to his marketing team, “Look, all the consumer needs to know is that the drink is called 7UP. Everything else, delete.”

### **The Process of Elimination**

It’s good to read about useless accuracy. But it’s even better to try to find it in your own writing so that you can work on eliminating it. With that goal in mind, I have included below two short assignments that I use with my students. The goal of each is twofold: (1) increase your awareness of useless accuracy in your own writing and (2) figure out ways to reduce it.

Or to paraphrase the novelist Elmore Leonard, try to leave out the parts that readers skip.<sup>9</sup>

#### PRACTICE SECTION: 100 Words

##### *Background*

Take a look at some things you have written recently. Then search them for 100 unnecessary words. The 100 words can’t be from the same document. They can’t even be from just two documents. They have to be collected by editing at least three different documents.

E-mails count. So do tweets and other social-media posts. The reach of useless accuracy extends beyond formal modes of writing.

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<sup>9</sup> Elmore Leonard, *Elmore Leonard’s 10 Rules of Writing* 61 (2007).

### *Assignment*

To register your total, create a document that has:

- the original sentence or phrase
- the new sentence or phrase
- the unnecessary words saved in the process

Also include the type of document that goes with each example. You can have multiple examples from the same document. You just need to have at least three documents.

## PRACTICE SECTION: MEAT AND POTATOES

### *Background*

Supreme Court Justice Clarence Thomas was once asked why his opinions were 25% shorter, on average, than the other Justices' opinions. Here was his response: "Editing, editing, editing. [My law clerks and I] do a lot of editing, and it's very aggressive. We eliminate a lot of trivial nonsense. And I do not like cuteness in my opinions. You save that for your own stuff. It is all meat and potatoes."<sup>10</sup>

### *Assignment*

Give the reader meat and potatoes. Take something you've written and make it at least 25% shorter than the original. So if the original was a 10-page memo, make the edited version a 7.5-page memo. And if the original was a four-paragraph e-mail, make the edited version a three-paragraph e-mail. Focus on the bare essentials. No garnish. No fluff.

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<sup>10</sup> Conor Friedersdorf, *Why Clarence Thomas Uses Simple Words in His Opinions*, *The Atlantic* (Feb. 20, 2013), <https://www.theatlantic.com/national/archive/2013/02/why-clarence-thomas-uses-simple-words-in-his-opinions/273326/>.



Every word needs an unobjectionable reason for being spared your Delete button. If there is any doubt that a word is not doing meaningful work in a sentence, phrase, or heading, cut it.

For inspiration, take a look at a literary gem that James Joyce once called “one of the best stories ever written”: Ernest Hemingway’s “A Clean, Well-Lighted Place.” Or read something by Lydia Davis, who is even more extreme than Hemingway when it comes to purposeful compression.

You might also, to get in the right mindset, consider this exercise the writing equivalent of:

- lightening the contents of your backpack by 25% before a big hike.
- freeing your closet of 25% of its clothes during a spring cleaning.
- reducing your spending by 25%.
- clearing out 25% of your garage.

This exercise will teach you to be resourceful. Some four-word expressions can become three-word expressions if you just think more deliberately and creatively about what each of those words could be. Train your editorial brain to send you this message as you reexamine every word, sentence, and paragraph in your document: “You know, you might not actually need that.”

### **Additional Resources**

To learn more about useless accuracy, check out these short videos from the “Good with Words: Writing and Editing” playlist on the University of Michigan Law School YouTube channel:

- Clutter: William Zinsser, Pablo Picasso, and Reading Your Writing Like an Enemy Would

- *Zombie Nouns: Trying to Sound Smart Is a Pretty Dumb Strategy*
- *Zombie Nouns: Taxation Without Representation*
- *Zombie Nouns: Sentences That Move, Sentences That Sing*
- *Clutter and Zombie Nouns: Simplicity Is the Ultimate Sophistication*
- *Clutter: Cleanest Components*
- *Clutter: Ezra Pound, T.S. Eliot, and the Longest Poem in the English Language*