

Repairing long sentences

The long, long sentence is legal writing's oldest curse. You've probably seen even worse than the original sentence, but it's still way too long (83 words). I offer three different fixes — none of them all that hard. The redlined version at the bottom highlights a few additional editing points using the original text.

Original

Although establishing procedural due process is not a particularly high burden to meet, in light of the piecemeal fashion in which Plaintiff was provided notice of the allegations against her, lack of information provided to Plaintiff regarding the allegations and/or the subsequent investigation, as well as the court's concerns regarding whether Plaintiff had a meaningful opportunity to be heard, the court finds Plaintiff has established a question of fact regarding whether she was afforded sufficient due process with regard to her demotion.

Better

#1. Although affording procedural due process is not particularly burdensome, Plaintiff has established a question of fact about whether — when demoting her — Defendants did so. That conclusion is based on (1) the piecemeal fashion in which Plaintiff was given notice of the allegations against her, (2) the lack of information she was given about the allegations or the later investigations, or both, and (3) the court's concerns about whether she had a meaningful opportunity to be heard.

#2. Affording procedural due process to an employee is not particularly burdensome. But Plaintiff has established a question of fact about whether Defendants did so when they demoted her. That conclusion is based on [(1), (2), (3) as above].

#3. Plaintiff has established a question of fact about whether — when demoting her — Defendants afforded her due process. That conclusion is based on [(1), (2), (3) as above]. Although the standard for procedural due process is not burdensome, Defendants have [arguably?] failed to meet it.

Redlined

Although establishing procedural due process is not a particularly high burden to meet, in light of the piecemeal fashion in which Plaintiff was ~~provided~~^{given (1)} notice of the allegations against her, lack of information ~~provided~~^{given (1)} to her (2) about (3) Plaintiff ~~regarding~~^{or (4)} the allegations ~~and/or~~^{or both,} the subsequent investigation, as well as the court's concerns ~~regarding~~^{about (3)} whether Plaintiff had a meaningful opportunity to be heard, the court finds ~~Plaintiff~~^{that (5)} has established a question of fact about (3) regarding whether she was afforded sufficient due process ~~with regard to~~^{during (6)} her demotion.

1. Prefer plain words.
2. Stick with the pronoun.
3. Almost always, *about* is better than *concerning* or *regarding*.
4. Never.
5. False economy. Most verbs need a following *that* to provide a joint in the sentence and often to prevent a miscue.
6. Replace virtually all multiword prepositions — one of the worst gremlins in legal and official writing. See the Summer 2018 *Redlines*.