

Taking aim (again) at multiword prepositions

Since I didn't wipe them out the first time (Summer 2018), I am reloading.

Multiword prepositions—also called compound or complex or phrasal prepositions—are among the most noxious and pervasive small-scale faults in legal writing. C. Edward Good calls them the “compost of our language.” *Mightier Than the Sword* 73 (Crown Publishing Group 1989). Bryan Garner says, “If you're trying to sound like a bureaucrat, you'll need lots of phrasal prepositions.” *The Winning Brief* 325 (Oxford University Press, 3d ed. 2014). And long ago, H.W. Fowler pegged them as “among the worst element in modern English.” *A Dictionary of Modern English Usage* 102 (Ernest Gowers ed., Oxford University Press, 2d ed. 1965).

EXAMPLES

“The Administrative Law Judge concluded that Plaintiff was not disabled ~~prior to~~ **before** January 5, 2007 . . .”

“The LCCA Defendants move for partial summary judgment ~~as to~~ **on** their liability for any injuries Plaintiff sustained ~~prior to~~ **before** her transfer to Life Care Center of Auburn.”

“~~Subsequent to~~ **After** this decision, neither the Secretary nor the plaintiff returned to the district court for entry of a final judgment.”

“Bond's appearance before a doctor ~~for the purpose of to~~ obtaining a DOT certification was not for ~~the purpose of~~ care or treatment of a physical, mental or emotional condition.” [Better still: “Bond appeared before a doctor to obtain . . . , not to receive care or treatment for”]

“Moreover, ~~with regard to~~ **on** certain of the items, no claim of exemption is valid.”

These bits of flab can usually be replaced with a one-word preposition. A short list of the most common offenders:

- prior to (= before)
- with regard to, with respect to, in relation to (= about, concerning, on, for)
- during the course of (= during, while)
- for a period of (= for)
- for the purpose of (= for, to)
- in the amount of (= for, of)

There are lots more. My book *Lifting the Fog of Legalese: Essays on Plain Language* 170–71 (Carolina Academic Press 2006) has a long list.

The following are examples from some recent opinions.

“The parties conducted the limited walk-through on December 6, 2017, and have submitted additional information ~~with regard to~~ **about** the elements not included in the FMP” [probably an unnecessary initialism].

“~~In order to~~ **To** assert a false-advertising claim, Plaintiffs must have standing both under Article III and the Lanham Act.” [For parallelism, make it “under both.”]

“James's claim, therefore, is only that Primer cashiered him to avoid paying equity incentives to which James was entitled ~~by virtue of~~ **for** his past services.” [I'd write “that James was entitled to.”]

“The Court did not explicitly address the arguments made ~~in connection with~~ **regarding** these requests”

“The following day, Cheryl withdrew three cashier's checks ~~in the amount of~~ **for** \$100,000, \$111,500, and \$150,700.”

“A Victoria's Secret manager told Ruffin where to set up and directed him ~~as to~~ where and how to position his equipment.”

“On motion of Jasper [Jasper's motion], the action was dismissed ~~as to~~ **against** him under Rule 12(b), Federal Rules of Civil Procedure” [Or: “the action against him was dismissed.”]

“The determination was based ~~upon~~ a failure to report income ~~in the amount of~~ \$2,604 and to pay self-employment and FICA taxes thereon” [archaic; try “on it”].

“His punishment was fixed at imprisonment in the penitentiary for ~~a period of~~ five years on the third count, ~~for a period of~~ one year on the fourth count” [This sentence lumbers on with seven more such uses.]

“The Court will now memorialize [set out?] its rulings ~~with respect to~~ **on** those issues.”



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