

Zap multiword prepositions, please

Probably the worst small-scale fault in legal writing is unnecessary prepositional phrases, a fault that this column will keep going after. A noxious variant is the multiword preposition — a phrase that can routinely be reduced to a single, simple preposition. Examples: with regard to (= on, about); for the purpose of (= to, for); during the course of (= during); prior to (= before); subsequent to (= after). Take aim at these gremlins.

Original

On September 14, 2012, the Plaintiff filed her First Amended Complaint. It contained no reference to the Probation Memo. On that same date, Winston's counsel, Judd Burstein, Esq., was contacted by Friedman, who informed him that Sorkin had contacted her with regard to the Probation Memo. Burstein then filed a letter, also on September 14, 2012, in order to notify the Court that he believed that Sorkin used privileged material. He requested a conference with respect to this issue. Thereafter, Burstein and Sorkin exchanged a series of emails concerning whether the Probation Memo was a privileged document and how Sorkin came to obtain it. On October 3, 2012, the Court granted Winston's request for a conference scheduled for October 5, 2012.

Better

{By this time in the opinion, the names are familiar: Winston is a defendant, Sorkin is a former counsel of his who now represents the plaintiff, and Friedman is also a former counsel for Winston. Complicated, but it doesn't matter for this exercise.}

On September 14, 2012, three events occurred. (1) Plaintiff filed her first amended complaint. It didn't mention the probation memo. (2) Winston's counsel, Judd Burstein, was contacted by Friedman, who told him that Sorkin had contacted her about the memo. (3) Burstein then filed a letter to notify the Court that he believed that Sorkin had used privileged material. He requested a conference on this issue.

After these events, Burstein and Sorkin exchanged a series of emails about whether the memo was privileged and how Sorkin came to obtain it. Then in October, the Court granted Winston's request for a conference.

Redlined

On September 14, 2012, ⁽¹⁾the Plaintiff filed her First Amended Complaint. It ~~contained no reference to the Probation Memo.~~ ^{didn't mention (1)} On ~~that same date,~~ ⁽²⁾ Winston's counsel, Judd Burstein, Esq., ⁽²⁾ was contacted by Friedman, who ~~informed~~ ^{told} him that Sorkin had contacted her ~~with regard to~~ ^{about (3)} the Probation Memo. ⁽³⁾ Burstein then filed a letter, ~~also on September 14, 2012,~~ ^{had on (5)} in order to notify the Court that he believed that Sorkin used privileged material. He requested a conference ~~with respect to~~ ^{After these events,} this issue. ~~Thereafter,~~ ^{about (6)} Burstein and Sorkin exchanged a series of emails ~~concerning~~ whether the Probation Memo was a privileged document and how Sorkin came to obtain it. ~~On~~ ^{Then in (7)} October 3, 2012, the Court granted Winston's request for a conference ~~scheduled for October 5, 2012.~~ ⁽⁸⁾

1. Why not an occasional contraction for a relaxed, conversational style?
2. Are we going to start referring to every lawyer as *Esq.*?
3. Multiword preposition.
4. Multiword preposition.
5. Multiword preposition.
6. Almost always, *about* beats *concerning*. Listen to how you talk.
7. This date might not be necessary, but the shortened form helps to make a transition.
8. Surely this date is unnecessary.