


Writing For Your Audience: How to Make Your Point With Different Readers

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“We should not speak so it is possible for the audience to understand us, but so that it is impossible for them to misunderstand us.”

Quintilian, 1st Century

Agenda

- Writing in General
- Writing for your Audience
- Write for Understanding
- Plain is Professional!



Tailor Writing for Your Audience

1. Know who you're writing for
2. Know what the purpose of your writing is
3. Develop credibility with your audience
4. Write for understanding



Why do we write?

- **Communicate:** The primary way to convey arguments and information.
- **Advocate:** Effective writing can persuade judges, clients, and opponents.
- **Analyze:** Helps you analyze, research, and understand the law.
- **Show Professionalism:** Reflects your competence and credibility.
- **Create, Express, Entertain:** Bring something new into the world, tell how we feel about something, make someone laugh or cry



What is the Purpose?

Technical:

Revenue Requirement
Formula:

$$RR = O + T + d + r(RB)$$

RR = Revenue Requirement

O = Operating Costs

T = Taxes

d = Depreciation

r = Rate of Return

RB = Rate Base

Informative:

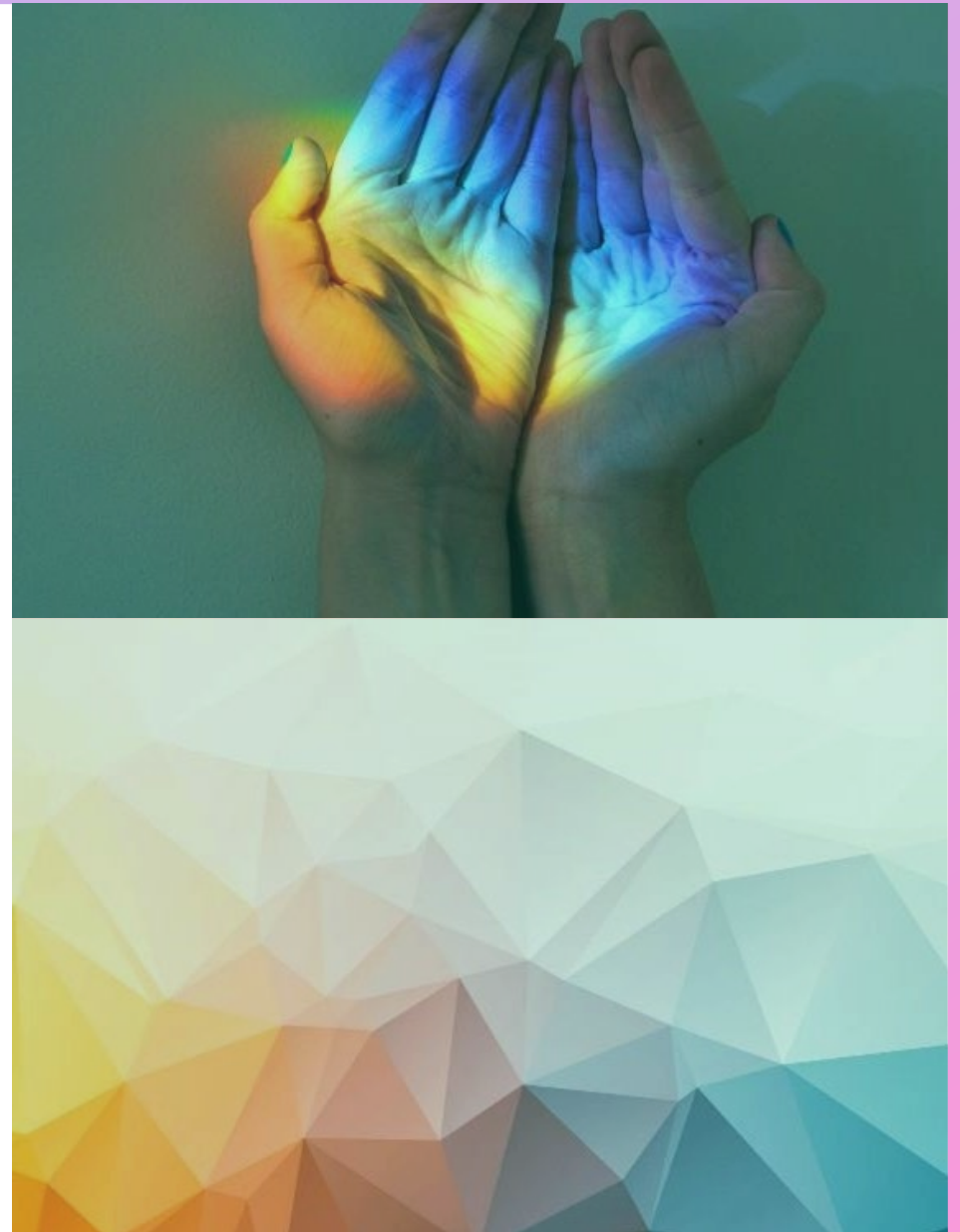
The revenue requirement formula helps determine how much money a company or service provider needs to cover its expenses, make a profit, and pay taxes. The formula utilizes the operating costs, taxes, depreciation, the rate of return, and the rate base to make this determination.

Persuasive:

This approach has proven to be an equitable and efficient means of determining the just and reasonable rates for utilities, ensuring a fair balance between the interests of both consumers and providers. By taking into account the costs of providing the service, including operating expenses and a fair rate of return, the revenue requirement formula ensures that essential public services remain financially viable and that consumers are not burdened with exorbitant costs.

Writing for Your Audience

- Write for your audience (not for yourself)
- Consider all who might be included in the audience
 - Cases/Orders – used by utility, attorneys, public, judges, regulators, Commissioners
- Understand how and when readers will read it
- Look at material from readers' perspective and remove common barriers
 - Avoid shorthand/initials and explain in the text rather than in a footnote or beginning glossary



Who do we write for?

Colleagues

Opposing
counsel

Judges

Mediators

Regulators

Parties

Technical and
business
professionals

The public

Organizational
clients

Elected
officials

Put
yourself in
the shoes
of your
reader:

Most readers: Are busy and have little time, attention, and patience

More likely to read material that is clear, concise, and focused on an issue they understand matters to them

Notice tonal, cultural, or political disconnects or factual premises they consider inaccurate (and can discredit the material)



Tailored for an Audience

- Hip-Hop and Rap - Different from normal "Broadway"
- Diverse Casting
- Accessible Language
- References to Pop Culture
- Resonate and Relate



Develop Credibility



Develop Credibility with your Audience:

Avoid over-the-top language:

Use language that presents yourself as reasonable, thoughtful, and confident; avoid language that makes you sound elitist, whiny, or pushy.

- *"Incredibly, it appears that the Commission lacks the basic intelligence to comprehend the basis of our argument. It's a travesty that we even have to waste our time on this."*

2. Don't name call, use sarcasm, or make petty characterizations:

Avoid any sort of name calling and petty characterizations—whether it be about parties, attorneys, or anything else. You should state the facts about what a party or attorney has done.

*"Yes, indeed. **Let's ask for additional time for a matter that was dismissed for taking too long to adjudicate. Makes absolute sense to me.** Tell me, as the request to take more time been authorized by the Commission, **or is this a self-serving interest of your own?**"*

*"You don't get to curb our speech criticizing our government officials. **Kindly refrain from behaving in such an unconstitutional fashion. So in other words 'shush.'** Thanks."*

3. Focus on the law and the merits of your case or the facts.

Avoid statements that imply the opposing side (or whoever you're writing to) is acting with a certain intent.

Even in adversarial situations, frame the argument in a way that weakens the other side's argument, rather than implying bad faith or some nefarious intent, unless that is the specific argument.

- "Joe's Power Company is *clearly* trying to *bootstrap* the court."
- "Sadie's Alliance for the Environment is *disingenuous* in its statements."
- "Ernie's Utility Company *evidentially* did not *read the order*."

4. Maintain a **consistent style and tone** such that when a single sentence or phrase is scrutinized, it stands on its own as reflection of the intent of the entire document.

"Uncle Pennybag's Electric Company alleges that the Commission violated its due process rights in violation of the Commission's regulations and statutes. This is a big no-no. We're not here to play games, and the Commission's actions were not okay."

Write for Understanding



Be Structured



Group information in meaningful chunks



Put information in an order that works well for audience



Orient with navigational tools



Use plenty of headings and subheadings

Readability:

- Use a single font
- **Bold** or underline (**or both**) headings, but be consistent
- *Italicize* or underline citations, but be consistent
- Use your words for emphasis
 - Avoid *italicizing* or **bolding** or ALL CAPS for emphasis
- Make sentences simple and varied in length; avoid stringing long clauses together
- Be direct, specific, and concrete
- Give context first and incorporate definitions into the text
- Use technical terms only when readers need to know them, define acronyms in the text

A Note About Footnotes

In general, avoid them. ^{1, 2, 3}

¹ Anything you want to say should be in the text.

² Use parentheses, colons, semicolons, etc. to separate the thoughts.

³ Use sparingly when citing to something that does not need to be looked at immediately

Plain Language Revolution

Move away from
“legalese” to clear,
concise language
understandable by
everyone



Plain Language:

- Avoids verbosity, pretentious language, and tortuous sentence structures
- Includes and presents complex information in a clear and orderly way
- Is direct, easy to read, and looks like it's meant to be read



Plain is Professional

“You achieve plain English when you use the simplest, most straightforward way of expressing an idea. You can still choose interesting words, but you’ll avoid fancy ones that have everyday replacements meaning precisely the same thing.”

- Garner, *Legal Writing in Plain English*, p. xiv



Clear, concise language conveys meaning

Original “legalese”

- The appellant, by an order extending the time to file his transcript, made by the district judge of Chaves county, was given until the 17th day of February, 1912, to file such transcript. The transcript was filed with the clerk of this court on the 3d day of February, 1912, and within the time allowed; but no assignment of errors was filed, and on the 12th day of March thereafter, and after the expiration of the return day, appellee filed a motion to dismiss the appeal, because of the failure to file assignment of errors.

Lund v. Gilbert, 1912-NMSC-029, ¶ 1, 17 N.M. 265, 125 P. 602, 603

Plain Language

- The Court in Chaves county granted Appellant additional time to file the record proper of the case. The Court gave a deadline of February 17, 1912, but Appellant filed it on February 3, 1912, which was within the time ordered by the Court. However, Appellant did not include assignments of error. Then, on March 12, after the deadline provided by the Court, Appellee moved to dismiss due to Appellant failing to file the assignments of error within the time allocated by the Court.



Active Voice

“The Commission regulates utilities.”

The subject is the Commission and performs the action on the object

- Active voice states a simple, direct, and logical flow from a subject that is performing the action
- easier to understand
- Avoids vagueness
- Shorter

Passive Voice



“Utilities are regulated by the Commission.”

The subject isn't doing anything; it is being acted on

- Reduces active emphasis and can be unclear
- Longer
- Can be used to avoid blame or responsibility: “mistakes were made”

Summary

1. Think of the purpose of your writing and who you are writing for
2. Be credible
3. Be clear





Thank you

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