



## Will Twitter Ruin Your Legal Writing?

by Christopher B. Hopkins

Twitter appeared in the mainstream a little over a year ago and, quickly thereafter, critics charged that capping our thoughts at 140 characters would destroy the ability to communicate in proper English. Instant messaging, after all, had turned “text” into a verb and whole sentences into acronyms. Twitter satisfies our short attention span with bite-size commentary while starving our ability to focus on one thing at a time. Will technospeak and twitterbabble desecrate our pleadings and distort our closing arguments?

Such fears might amount to putting the “cart before the horse.” Rather than be concerned about what *might* hijack our vernacular, we should examine its current state: most lawyers still speak and write like they are nineteenth century farmhands.

Think that’s “hogwash”? Few, *if any*, of us have likely ever actually put a real cart behind a live horse, much less cleaned a pig. Yet you were likely comfortable reading those expressions about carts, horses, and hogwash. Our language suffers from what one might call the Bucolic Infection, a disease which strikes lawyers who, in exaggerated phrases, turn to country-fied idioms in an effort to come across as an easygoing everyman. You might say that we have “gone to town” on those platitudes.

Why do lawyers cling to farm-speak when it has little application to our modern daily lives? Perhaps it is an effort to “harken back” to simpler times when homespun wisdom would save the day on *Little House on the Prairie*. Meanwhile, present-day life is quite different. The only blackberry you know of probably has a small screen and keyboard. Long ago we replaced the

loom and the sextant for a word processor and GPS. Even that reference to *Little House* recalls a time, three decades ago, when you received a tv signal through an antenna. Our language has been clearly “in a rut” for more than two turns of a century. Out with the Bucolic Infection, a verbal virus! It is time to update how we communicate.

Great sentiments of the modern era can be encapsulated in 140 characters: (1) Ask not what your country can do for you, ask what you can do for your country; (2) In the future, everybody will be world-famous for fifteen minutes; (3) I have not failed. I’ve just found ten thousand ways that won’t work; or even (4) fifteen minutes could save you fifteen percent or more on car insurance.

Did Kennedy mean to say, “what’s good for the goose is good for the gander”? Was Warhol “getting down to brass tacks”? Was Edison putting on a “dog and pony show”? Is Geico a “straightshooter”? It is more likely that you have brandished the latter set of clichés more recently than you’ve quoted the former. Worse still, most of us have little knowledge of waterfowl, brass tacks, carnival shows or gunplay. So we do not even know the meaning behind our own words. We, as lawyers, are clearly “not out of the woods.”

Yet, as lawyers, we should know better. Even before law school, we have been taught to keep it short. Judges and juries might embrace a character limit on lawyer-speak. We should be cognizant of our word choices so that they naturally communicate our thoughts with *meaningful* expressions. Instead, we often rely on outdated colloquialisms despite the fact that, some time ago, the cows arrived safely at home.

Do you have a case of the Bucolic Infection? Consider Twitter to be your diagnostic tool. Try to type a complex thought into Twitter. Better “hold your horses.” The 140 character limit probably cut you off at first reference to “the real McCoy.” Upon a second attempt to put a leash on your words you may find that “that dog doesn’t hunt.” The 140 character cap compels you to stop, think, and craft a sentence with only the essential words. Consider the effort it would take to turn your short missive into something persuasive, humorous or meaningful. Using concise language takes more thought, not less.

Listen to people’s expressions during conversations, hearings, and oral argument. The Bucolic Infection is an epidemic. It appears that we have developed few new expressions since the invention of the automobile. Perhaps it is time that we communicate without pre-packaged clichés or at least speak in terms which have present-day application.

On the contrary, this is not a recommendation that we import tech-influenced slang into our pleadings (OMG!). Leave that kind of talk to the “spring chickens” and their newfangled texting machines (i.e., your iPhone). Instead, our first task should be to eradicate the Bucolic Infection by ridding our minds of outdated expressions. There is some merit to the emerging “short form” writing style (*see* 140characters.com). Stated differently: when it comes to word choices, we should, indeed, “throw the baby out with the bathwater.”

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