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Using Intensifiers Is Literally a Crime

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Intensifiers generally

As a brief writer, as a paid persuader, you might be tempted to use intensifiers to bolster your points—to persuade. What's an intensifier? It's a "linguistic element used to give emphasis or additional strength to another word or statement."[1] Intensifiers can be various parts of speech: adverbs (*clearly*), adjectives (*blatant*), participles (*raving*), and more.

For legal writers generally and for brief writers particularly, the most commonly used intensifiers tend to be adverbs ending in *-ly*:

blatantly	highly
certainly	obviously
clearly	undoubtedly
completely	wholly
extremely	very

If you consult writing experts, you'll see that intensifiers get a lot of bad press, and *clearly* is king:

- [*Clearly*] is so overused in legal writing that one has to wonder if it has any meaning left.[2]
- Doctrinaire adverbs such as *clearly* and *obviously* are perceived as signaling overcompensation for a weak argument.[3]
- When most readers read a sentence that begins with something like *obviously*, *undoubtedly* …and so on, they reflexively think the opposite.[4]

In fact, a recent law-review article suggests that overusing intensifiers is bad—*very bad*. In a study of U.S. Supreme Court briefs, the authors found that increased intensifier use was correlated with losing, especially for appellants.[5] The authors allege no causal connection—they couldn't prove it was the intensifiers that lost the cases—but the correlation is interesting.

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[1] *Merriam-Webster's Dictionary of English Usage* 555-56 (1994).
[2] Anne Enquist & Laurel Currie Oates, *Just Writing* 123 (3d ed. 2009).
[3] Bryan A. Garner, *The Winning Brief* 523 (3d ed. 2014).
[4] Joseph M. Williams, *Style: Lessons in Clarity and Grace* 123 (9th ed. 2007).
[5] Lance N. Long & William F. Christensen, *Clearly, Using Intensifiers Is Very Bad—Or Is It?* 45 Idaho L. Rev. 171, 180 (2008).

What to do about intensifiers

Let's explore the downsides of intensifiers as we consider what we should do instead. Here are six suggestions.

1. Drop them.

It may be counter-intuitive, but intensifiers often weaken prose. A sentence usually gets stronger without the intensifier. Which of these is more forceful?

1a. Clearly, an attorney is not an expert on what is a "Doberman," and there is no showing in the affidavit that Squires is an expert on Dobermans. It clearly is a fact issue for the trier of fact.

1b. An attorney is not an expert on what is a "Doberman," and there is no showing in the affidavit that Squires is an expert on Dobermans. It is a fact issue for the trier of fact.

For me, 1b is stronger.

Dropping intensifiers doesn't always work, and you can't completely banish them. Some legal standards require them: *clearly erroneous*, *highly offensive*, *egregious harm*, or *substantially outweigh*. Legal writing entails some qualifying, but good legal writers develop a sense for when they're appropriately qualifying and when they're blatantly bolstering.

2. Replace them.

With some thought, you can delete an intensifier-plus-verb or an intensifier-plus-noun and replace the phrase with a single, forceful word. So—

very small	→	tiny
very sure	→	certain
extremely smart	→	brilliant
very large	→	massive, sizable
quickly went	→	hustled, sped, rushed
highly capable	→	accomplished, proficient
completely wrong	→	inaccurate, incorrect, mistaken, unsound

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