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**Using Intensifiers Is Literally a Crime**

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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.”<sup>1</sup> 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.<sup>2</sup>
- Doctrinaire adverbs such as *clearly* and *obviously* are perceived as signaling overcompensation for a weak argument.<sup>3</sup>
- When most readers read a sentence that begins with something like *obviously*, *undoubtedly* ...and so on, they reflexively think the opposite.<sup>4</sup>

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.<sup>5</sup> 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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<sup>1</sup> *Merriam-Webster’s Dictionary of English Usage* 555-56 (1994).

<sup>2</sup> Anne Enquist & Laurel Currie Oates, *Just Writing* 123 (3d ed. 2009).

<sup>3</sup> Bryan A. Garner, *The Winning Brief* 523 (3d ed. 2014).

<sup>4</sup> Joseph M. Williams, *Style: Lessons in Clarity and Grace* 123 (9th ed. 2007).

<sup>5</sup> 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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