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The Three-Letter Word Lawyers Should Avoid Using

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Special to the Legal

When was the last time a single word determined your future? As a lawyer, you're probably attuned to the fact that it was pretty recent. Attorneys are quite literally pros at parsing language. You've no doubt dedicated hours of your life to the difference that word choice makes in the welfare of your clients. That's why I think you'll want to consider one more word, one that may be sneakily undermining your business relationships—if you let it.

A scene from an episode of Netflix's "The Crown" shows it best. Queen Elizabeth II and Princess Margaret are navigating the early days of their relationship as monarch and subject, no longer just sisters. "Remember what Papa called us?" Margaret asks.

"Yes," says the young Elizabeth, played by the exceptional Claire



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Foy. "Elizabeth is my pride, and Margaret is my joy."

"But Margaret is my joy," Margaret corrects her.

It's such a minor distinction—one three-letter word replaced by another—and yet the contrast between "and" and "but" comes through in Elizabeth's reaction. Whereas just a moment before, her eyes were alight at the memory of their father, now she stares flatly, her weighted intake of breath drawing her further and further apart from her sister.

I've been noticing the "but" effect ever since attending an improv workshop with Izzy Gesell

at an ALA Business of Law Conference. There, he taught us about the "yes and" mentality of improvisation, in which stage partners find a way to build on each other's contributions instead of undermining them. As he demonstrated with a group exercise in which we planned a fictional party, "but"—the word itself and the mindset—is a huge obstacle to progress.

After that, I realized I was a frequent "but"-er: Yes but ... OK but ... Thanks but ... And I realized that to the listener, but can negate whatever came before it. "I'm sorry, but I can't make it to this event," for example, feels a lot more like, "I'm sorry, but I can't make it to this event." Our intention to express genuine disappointment at missing an opportunity gets nullified by a seemingly neutral conjunction. Whether talking to a client, cultivating new business, or collaborating with a colleague, I don't

think that's the message anyone wants to send.

Here are two alternatives to the ubiquitous but, with sample scenarios:

And: You're preparing remarks to introduce a contact at a speaking engagement. In your first draft, you've written, "You may know about Sarah's accomplishments in the boardroom, but did you know about the charity 5K races she runs throughout the year?" While editing, you realize that the "but" subtly (and unintentionally) undermines her professional accomplishments. One doesn't need to cancel out the other. You decide to rephrase: "Did you know that Sarah both continually receives recognition for her leadership in the boardroom and runs charity 5K races throughout the year?"

New sentence: A contact invites you to a gathering on a Thursday when you're already booked. Your automatic setting is to respond, "I would love to, but I'm busy that evening." Then you remember that you're effectively saying, "I would love to, but I'm busy that evening." So you rephrase: "I would love to next time. This Thursday, I'm already busy. Here's a link to an event later this month. Would you like to join me?"

After hearing me extoll the virtues of "Yes and," an attorney

once asked me, "What about when I'm negotiating, and I really do want to refute what the other side is saying?" I responded that this can be one of the best times to rethink but. Because consider this: when was the last time someone won you over by ignoring or negating what you had to say? What if instead of,

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"Yes, I understand, but ..." you tried for, "Yes, I understand why this is an important issue on your end. Here's how the issue is important on our end"? It's not a Pollyanna-ish attempt to make everything OK; it's a way to find forward motion.

It's also not that anyone is necessarily registering our word choice every time we select but. They're probably not. Rather, what may register is a visceral response. And because today we conduct so much of our business from behind a screen, we don't see it. We don't see if an email

we send gets someone's back up or if it makes them smile. What we see is if the email chain trails off or if we get a speedy, positive response.

That's what made me sit up the first time I viewed a trailer for "The Crown." Elizabeth and Margaret's exchange gives us the exact visual we so often lack for the effect of this simplest of word choices. You can see it, too, if you search for the show's "2 Worlds Trailer" or watch the Season One episode titled, "Pride & Joy." And then the next time you're wondering if "but" is the right connector, think of Claire Foy. It may be that a tiny word swap is all it will take to make a huge difference as you pursue your livelihood. •