

# Crafting Communication Clarity

## A six session course on drafting and negotiating better contracts and file documentation

A Guide for Practitioners and Lawyers

Technical writing for contracts, negotiations, and file documentation

# Scope of Course

This is a six-week (9 hours) course to help writers to craft language in contracts and supporting documentation for clarity and defense of the reasonableness of their decisions.

It will cover material relevant to contract administrators at both the prime and subcontract levels for better persuasion and certainty in the business transaction.

# Limitations

This class cannot cover everything you should have learned in high school English or several semesters of College composition classes. Thus the brevity of this material is, at best, an attempt to refresh what you learned or provide a framework within which your contracts and file documentation will stand up to scrutiny or audit.

Additional, continual study of effective communication skills is highly recommended

# Course Learning Objectives

- Using Grammar and Punctuation for clarity
- Understanding audience and message
- Using the right words
- Understanding that Business writing is technical writing intended to explain, persuade, sell, or provide documentation related to decisions
- Understanding that all writing must stand on its own and be clear, complete, concise, and convincing
- Crafting Contracts to achieve business certainty

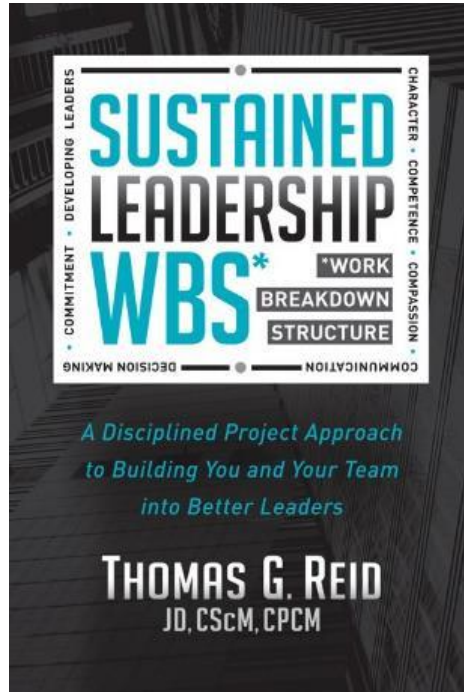
# Expected Transformational Experience

"Enhanced Professional Prestige and Advancement Opportunity: Developing greater writing proficiency opens doors to advanced leadership roles and consulting opportunities within contract management disciplines. Clear and compelling communication becomes a hallmark of your professional identity, positioning you for success in a competitive business landscape."

# Who am I?

- Thomas Reid, JD, MPA, CPCM,
- Chief Problem Solver, CCS
- Decades in government contracting
- Served in government, large businesses, small businesses, 8(a), non-profit, and start-up
- Speaker, author, trainer, attorney, expert witness, and contract manager

# Latest Publication



- Reveals 229 elements of leadership
- Provides a lexicon of leadership by defining each element
- Uses project management tools to help you build yourself into a sustained leader
- Covers the Professional Competencies defined by OPM

New learning platform at [www.TalkingHeadAcademy.Thinkific.com](http://www.TalkingHeadAcademy.Thinkific.com) provides CPEs for NCMA certification for all classes on the platform.

# The Communication of a Sustained Leader

## 4 Communication

### 4.1 Style

4.1.1 Speak

4.1.2 Teach

4.1.3 Mentor and Coach

4.1.4 Criticism

4.1.5 Meetings

4.1.6 Write

## 4.2 Content and Audience

4.2.1 Values and Mission

4.2.2 Positions and Persuasion

4.2.3 Proposals

4.2.4 Clarity

4.2.5 Conviction

4.2.6 Consistency Of Message

4.2.7 Credible

4.2.8 Feedback

4.2.9 Tact

4.2.10 Negotiations

4.2.10.1 Concessions and Compromise

4.2.10.2 Alliances

4.2.11 Enthusiasm

4.2.12 Deals with:

4.2.12.1 Employees or Those You Lead

4.2.12.2 Press

4.2.12.3 Other Stakeholders

4.2.12.4 Regulators

4.2.12.5 Customers and Beneficiaries

4.2.12.6 Problems

4.2.13 Diplomatic

4.2.14 Understands

Importance Of Sound Bite

4.2.15 Saying “Sorry” and “Thanks”

## 4.3 Charisma

4.3.1 Personable Warmth

4.3.2 Direct

4.3.3 Socially Adept

## 4.4 Techniques

4.4.1 Good Questions

4.4.2 Good Story Teller

4.4.3 Able to Adjust

Message to Audience Level

4.4.4 Able to Simplify

4.4.5 Body Language





# Overview

- Session 1 Using Grammar and Punctuation for clarity
- Session 2 Understanding audience and message
- Session 3 Explaining, persuading, selling, and proving reasonableness of decisions through business writing
- Session 4 Creating clarity in file documentation
- Session 5 Understanding and presenting data – technical, financial, statistics
- Session 6 Crafting clear contracts for business certainty

# Crafting Communication Clarity: Mastering Business Writing for Influence and Compliance

## Session 1

Using Grammar for Clarity— Elevate your writing skills to create impactful documentation for successful business outcomes.

# Overview

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- Session 2 Understanding audience and message
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# Overview

## Session 1 Using Grammar and Punctuation for clarity

- **Foundational Grammar Rules**
- **Common Punctuation Usage**
- **Avoiding Ambiguity**
- **Style Guide Adherence**

# *Foundational Grammar Rules*

## SECTION 1

# Basic Basics Basically

- A sentence must have a subject and predicate consisting minimally of a noun and a verb.
  - The subject might be implied
  - Every sentence should include at least a capital letter at the start, and a period/full stop, exclamation mark or question mark at the end. This basic system indicates that the sentence is complete.
- A paragraph consists of a sentence or sentences that coalesce around a single thought

# Parts of Speech

- **Nouns** name a person place or thing
  - **Pronouns** substitute for nouns
  - **Articles** precede nouns to indicate new vs. old information or specific vs. general information (a/an/the/”null”)
- **Verbs** express action, motion, or state of being
- **Adjectives** modify nouns
- **Adverbs** modify verbs, adjectives ,or other adverbs and nearly always end in “-ly”
- **Prepositions** describe relationships between two objects
- **Conjunctions** connect two sentences, clauses or words
- **Interjections** are words, phrases or clauses that indicate strong feeling.



# Clauses

A clause is the basic unit of meaning containing at least a noun and a verb

- Independent clause can stand alone as a complete unit of meaning
- Dependent clause requires an independent clause to complete its meaning
- Restrictive clause informs the meaning of the sentence. Its absence can obscure the meaning of the sentence
- Nonrestrictive clause provides additional information but can be removed without altering the meaning of the sentence

# Subject-Verb Agreement:

- Incorrect: "Each of the students were asked to submit their projects."
- Correct: "Each of the students was asked to submit his or her project."
- Explanation: "Each" is a singular pronoun, so the singular verb "was" should be used instead of the plural "were." Additionally, the possessive pronoun "his or her" agrees with the singular "student."

# Tense Consistency:

- Incorrect: "She writes a report yesterday."
- Correct: "She wrote a report yesterday."
  - Explanation: The verb tense should be consistent within a sentence. Since "yesterday" indicates past time, the verb "wrote" (past tense) should be used instead of "writes" (present tense).
- Incorrect: "She will write a report today, and she will finishing it tomorrow."
- Correct: "She will write a report today, and she will finish it tomorrow."
  - Explanation: Both verbs should be in the same tense. Since "will write" is future tense, "will finishing" should be corrected to "will finish" to maintain tense consistency.

# Parallel Structure

Parallel structure means using the same pattern of words to show that two or more ideas have the same level of importance. This can happen at the word, phrase, or clause level. The usual way to join parallel structures is with the use of coordinating conjunctions such as "and" or "or."

## WORDS AND PHRASES

**With the -ing form (gerund) of words:**

**Parallel:** Mary likes **hiking**, **swimming**, and **bicycling**.

**With infinitive phrases:**

**Parallel:**

Mary likes **to hike**, **to swim**, and **to ride** a bicycle.

OR

Mary likes to **hike**, **swim**, and **ride** a bicycle.

(Note: You can use "to" before all the verbs in a sentence or only before the first one.)

DO NOT MIX FORMS.

[https://owl.purdue.edu/owl/general\\_writing/mechanics/parallel\\_structure.html](https://owl.purdue.edu/owl/general_writing/mechanics/parallel_structure.html)

# Parallel Structure

SCOTUS Heller decision fn 14:

14 Faced with this clear historical usage, Justice Stevens resorts to the bizarre argument that because the word “to” is not included before “bear” (whereas it is included before “petition” in the First Amendment ), the unitary meaning of “to keep and bear” is established. Post, at 16, n. 13. We have never heard of the proposition that omitting repetition of the “to” causes two verbs with different meanings to become one. A promise “to support and to defend the Constitution of the United States” is not a whit different from a promise “to support and defend the Constitution of the United States.”

# Survey Question

**Is this an example of parallel structure?**

**It seems you really do need to  
eat; be careful standing up to fast.**

- A. Yes**
- B. No**

# *Punctuation*

## SECTION 2

# Punctuation

Punctuation conveys important information for the reader. Miss-using or omitting those tiny dots and dashes can turn a contract into something one of the parties might have never intended. Courts and boards are often asked to review the rules of basic English to determine what the parties were thinking. Many basic, but important, conventions are applied to determine intent, even if that is not what you meant!



# Rules of Grammar and Punctuation

“It was the best of times, it was the worst of times...”

# A Tale of Two Cities - Charles Dickens

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way--in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

# Punctuation

- **Punctuation** is the system of signs or symbols given to a reader to show how a sentence is constructed and how it should be read.
- Punctuation shows how the sentence should be read and makes the meaning clear.
- ALL punctuation should appear to better express the intent of the writer.

<https://www.skillsyouneed.com/write/punctuation1.html#:~:text=Punctuation%20is%20the%20system%20of,and%20makes%20the%20meaning%20clear>

# Punctuation

- These little dots and dashes are not designed to be artistic
- They are designed to be meaningful
- They facilitate understanding the writer's intent
- They assist in oral presentations

## QUESTION:

Should any contract ever contain a sentence that ends in anything OTHER THAN a period (full stop)?

# Sentence Structure – another example

“I’m giving up eating chocolate for a month.”

or

“I’m giving up. Eating chocolate for a month.”

# Sentence Structure

- How would you punctuate:

**my mother said the dog is dead**

There are at least five alternative ways to punctuate this sentence.

# Semi-colon (;)

- The semi-colon is perhaps the most difficult sign of punctuation to use accurately. If in doubt, avoid using it and convert the added material into a new sentence.
- As a general rule, the semi-colon is used in the following ways:
  - When joining two connected sentences.

**Assertive behaviour concerns being able to express feelings, wants and desires appropriately; passive behaviour means complying with the wishes of others.**

- The semi-colon can also be used to assemble detailed lists.

**The conference was attended by delegates from Paris, France; Paris, Texas; London, UK; Stockholm, Sweden; Colombo, Sri Lanka; and Mumbai, India.**

<https://www.skillsyouneed.com/write/punctuation1.html#:~:text=Punctuation%20is%20the%20system%20of,and%20makes%20the%20meaning%20clear>

# The Common Comma

- Let's eat Grandpa.
- Let's eat, Grandpa.
- Your turn:

**a woman without her man is nothing**



# The Oxford Comma

- Also called the “serial comma,” it is used before the connector (often “and” or “or”) to the last word in the series.
- Probably the most argued punctuation point in the English language.
- Probably the most litigated rule of grammar

# The Oxford Comma

- Style guides differ as to its use
  - AP does not require it
  - Chicago Manual of Style does
  - *The New Yorker* style guide does
  - It has been part of Oxford University Press style for more than a century.
  - The UK National Curriculum warns that "the mark [grade] will not be awarded if a serial comma is used in a list of simple items".

**Should legal matters turn on style or only on substance?**

# More Examples

Among those interviewed were Merle Haggard's two ex wives, Kris Kristofferson and Robert Duvall.

This book is dedicated to my parents, Ayn Rand and God.

# Case Study

- Three dairy-truck drivers sued Oakhurst Dairy in 2014 for four years of unpaid overtime wages.
- The case hinged on the missing comma after "packing for shipment" in the following clause of Maine state law, which lists exemptions from overtime:
- The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of:
  - **1.** Agricultural produce
  - **2.** Meat and fish products; and
  - **3.** Perishable foods
- The missing comma, in this case, would have separated "packing for shipment" and "distribution" into distinct activities, both exempt from overtime.
- Without the comma, the drivers argued, the law referred only to the act of packing, for the purpose of either shipping or distributing.

[https://www.abc.net.au/news/2017-03-21/the-case-of-the-\\$13-million-comma/8372956](https://www.abc.net.au/news/2017-03-21/the-case-of-the-$13-million-comma/8372956)

# Oxford Comma Passions

- People are very passionate about their positions on the Oxford comma
- A 2014 survey of 1,129 Americans by FiveThirtyEight and SurveyMonkey Audience found 57 percent in favor of the comma and 43 percent opposed.

<https://www.ncsl.org/bookstore/state-legislatures-magazine/oxford-comma-lawsuit-maine.aspx>

- Many who say to not use it suggest that it is only needed in poor writing; confusion should be clarified without the comma.

# Passions



# SURVEY QUESTION

One absolute rule of grammar is that you should never end a sentence with a preposition.

A. TRUE

B. FALSE

# FANBOY Connectors

- **For**
- **And**
- **Nor**
- **But**
- **Or**
- **Yet**

When you see one of these connecting words and there are two complete thoughts in the sentence, you should always insert a comma before FANBOYS. If there aren't two subjects and two verbs separated by FANBOYS, you don't need a comma.

Generally a comma appears **AHEAD** of these connectors



# Special note on “but”

- The word “but” indicates a negation of whatever appeared before it.
- It’s use can be offensive without intending to do so.
- Better to either:
  - Use “and”
  - Place a period and start a new sentence (indicating a new thought).

# Punctuation Summary

- Punctuation counts
- ALL writing requires clarity; proper use of punctuation helps
- When judges get involved, outcomes can become uncertain
- Lack of clarity creates lack of certainty on the outcome
- Refresh yourself periodically on the basic rules of grammar and punctuation
- Pay attention to detail and particularly to punctuation

# *Avoiding Ambiguity*

## SECTION 3

# Write for Understanding

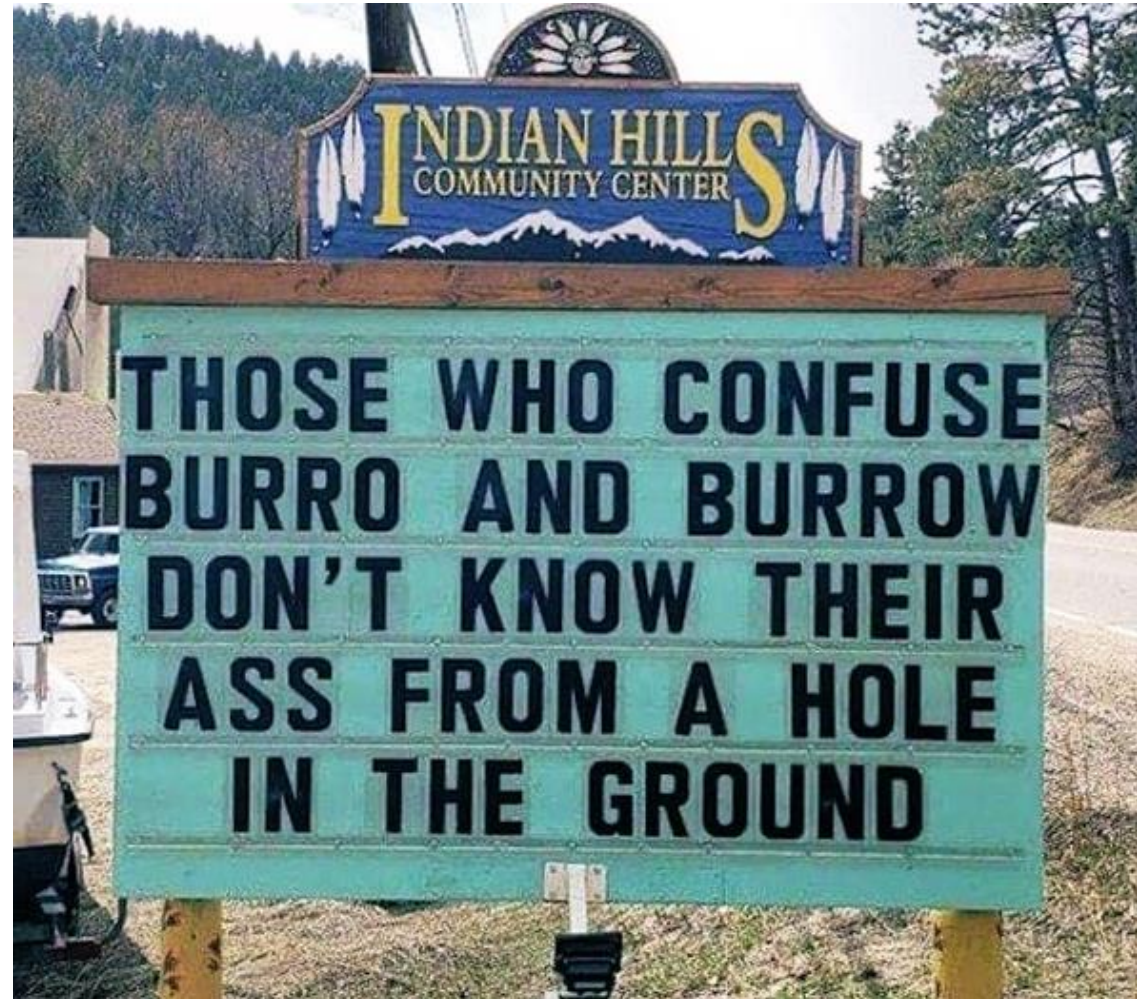
You must write not so that you can be understood but so that you cannot possibly be misunderstood.

# How to Write to be Misunderstood

English teacher: "Anyone want to guess who wrote Tom Sawyer?"

Student: "Rush?"

English teacher:



# The Bad Habits of “Text-Speak”

- “A form of written language as used in text messages and other digital communications, characterized by many abbreviations and typically not following standard grammar, spelling, punctuation, and style.”  
(Dictionary.com)

- UR
- TTYL
- L8tr
- B4
- Bc =>coz=>cZ
- FTW
- G2g
- IMHO
- IRMC
- JK

# Intentionally Introducing Ambiguity

- Of course, in some circumstances, those drafting contracts may want to introduce ambiguities. Getting different countries to sign up to the same principles can be challenging, particularly for climate change agreements.
- Early climate change conventions included this line:
  - ***“The Parties have a right to, and should, promote sustainable development.”***
- The sentence ensures those signing the agreement have the ability to promote sustainable development – and should do so.

# Intentionally Introducing Ambiguity

- But in its original draft, the second comma was placed after “promote”, not before it:
- ***“The Parties have a right to, and should promote, sustainable development.”***
- Some countries weren’t happy with the original wording because they didn’t necessarily want to be locked into promoting sustainable development. Moving the comma kept the naysayers happy while placating those who wanted stronger action.
- **“By being slightly creative with punctuation, countries can feel like their interests have been addressed,”** explains Stephen Cornelius, chief advisor on climate change with the WWF, who has represented the UK and EU at UN climate change negotiations. **“You’re trying to get an agreement that people can substantially agree with.”**

<https://www.bbc.com/worklife/article/20180723-the-commas-that-cost-companies-millions>



# Different Language Versions? Or Just a Comma?

- One of the biggest cases battled over a comma was a dispute between two Canadian telecommunications companies. Rogers Communications and Bell Aliant fought a legal battle worth CAD\$1m (\$760,000) over a contract to replace utility poles across the country.

- The argument stemmed from a single sentence:

***“This agreement shall be effective from the date it is made and shall continue in force for a period of five (5) years from the date it is made, and thereafter for successive five (5) year terms, unless and until terminated by one year prior notice in writing by either party.”***

# Different Language Versions? Or Just a Comma?

- The two sides argued that the comma after “five (5) year terms” meant something different: Bell Aliant said that the single year’s notice of termination applied at any time; Rogers said that it only applied after the first five-year term ended.
- This was important as Rogers had struck a great deal under their reading of the contract: when they signed a contract to lease the poles from Bell Aliant in 2002, they were paying just CAD\$9.60 per pole. By 2004, the cost had nearly doubled. Bell Aliant, understandably, wanted to terminate the contract and renegotiate at the new, higher price. Rogers didn’t.

# Different Language Versions? Or just a Comma?

- Successive courts were equally uncertain about the agreement: Canada's Radio-Television and Telecommunications Commission first declared in favour of Bell Aliant in 2006; a year later, it changed its mind after consulting the French language version of the contract, which didn't include the same ambiguity.
- This dispute wasn't brought about by willful ignorance, reckons Kemp. "Sometimes there are genuinely different understandings," she explains. "That little comma was put in a place that you would put in a place for a breath if you're reading it out loud."

<https://www.bbc.com/worklife/article/20180723-the-commas-that-cost-companies-millions>



# WHAT DID I MISS?

MY WIFE SAID:

"PLEASE GO TO THE STORE AND BUY  
A CARTON OF MILK. AND IF THEY  
HAVE EGGS, GET SIX."

I CAME BACK WITH 6 CARTONS OF MILK

SHE SAID "WHY IN THE HELL DID YOU  
BUY SIX CARTONS OF MILK?"

"THEY HAD EGGS"

# *Style Guides*

## SECTION 4

# Style Guide Adherence

- Style Guides provide consistency among writing teams
- They do NOT all agree in some material ways.
- Examples include APA and Chicago Manual of Style
- The purpose is to maintain professionalism and uniformity in business writing.
- The government (GPO, et al) has several that neither agree nor are consistently followed.

# The Oxford Comma - REVIEW

- Style guides differ as to its use
  - AP does not require it
  - Chicago Manual of Style does
  - *The New Yorker* style guide does
  - It has been part of Oxford University Press style for more than a century.
  - The UK National Curriculum warns that "the mark [grade] will not be awarded if a serial comma is used in a list of simple items".

**Should legal matters turn on style or only on substance?**

# Crafting Contract Clarity - Session 1 Summary

- **Foundational Grammar Rules:** We covered essential grammar rules including subject-verb agreement, tense consistency, and parallelism.
- **Common Punctuation Usage:** Here we discussed the appropriate use of punctuation marks such as commas, and semicolons to enhance clarity and readability.
- **Avoiding Ambiguity:** This section highlighted the importance of clear sentence structure and word use. Avoiding ambiguity can prevent misunderstandings in business communications.
- **Style Guide Adherence:** We briefly emphasized the significance of following a consistent style whether through a specific guide (e.g., APA, Chicago Manual of Style, etc.) or company policies and procedures to maintain professionalism, conformity, and uniformity in business writing.





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Jenny Pe...

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FOR ENTREPRENEURS AND BUSINESS PROFESSIONALS  
PAUL A. SWEGLE

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# Resources

## Grammar sites

- [Guide to Grammar and Style](#), Jack Lynch
- [Purdue Online Writing Lab: Grammar](#)
- [Common Errors in English Usage](#), Washington State University
- <https://writingexplained.org/>
- <https://www.sec.gov/pdf/handbook.pdf>
  - A Plain English Handbook How to create clear SEC disclosure documents

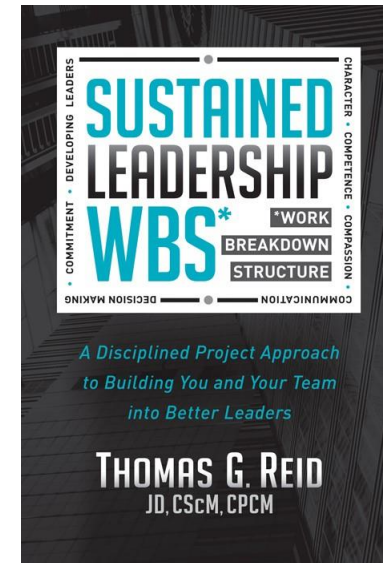
## Checklists

- [Checklist for Plain Language](#), PLAIN
- [Checklist for Plain Language on the Web](#), PLAIN
- [10 Steps to Plain Writing](#) (PDF), Census
- [Quick Checklist for Plain Language](#), Center for Health Literacy
- [Five Steps to Plain Language](#), Center for Plain Language
- [Plain Language Checklist for Documents](#), National Adult Literacy Agency
- [Plain English Checklists](#), Simply Put

# PCI Instructor, Tom Reid

[www.certifiedKsolutions.com](http://www.certifiedKsolutions.com)

[www.TalkingHeadAcademy.Thinkific.com](http://www.TalkingHeadAcademy.Thinkific.com)  
(Free class there provides 1 CPE credit)



“The first responsibility of a leader is to define reality. The last is to say thank you.”

**Max DePre**  
*Author & Business Executive*

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