

# 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

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

## Session 2

Understanding your audience by using the language of the profession; appreciate the nuances of word choice, grammar, and persuasive techniques. The art and style of addressing a variety of audiences will be presented and reviewed.

# 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

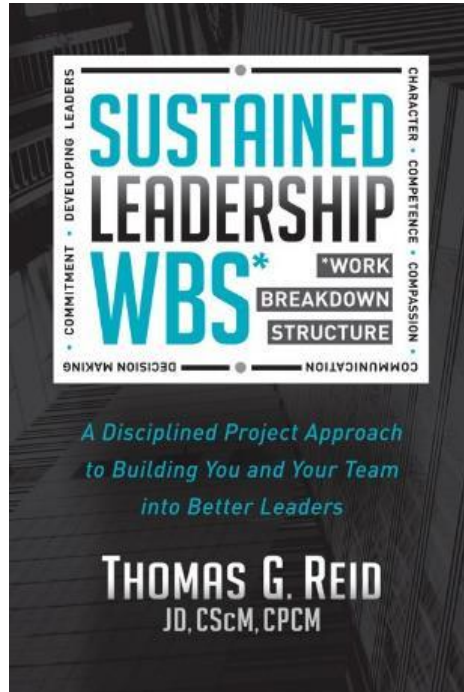
# Expected Transformational Experience

"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

# Summary

- 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

# Agenda

- **Session 2 Understanding audience and message alignment**
- **Audience Analysis**
- **Tone and Voice**
- **Message Clarity**
- **Feedback Incorporation**
- **Proofreading Techniques**

# *Audience Analysis*

## SECTION 1

# For Whom are You Writing?

- **The contracting team:**

**FAR 1-102(c) The Acquisition Team consists of all participants in Government acquisition including not only representatives of the technical, supply, and procurement communities but also the customers they serve, and the contractors who provide the products and services.**

# Who will Read What You Write?

- Higher management including your boss
- The CO
- Auditors
- GAO, BCAs, Courts (And litigants in each of those)
- Reviewers (Peer and otherwise)
- CORs, ACOs, closeout specialists
- Financial types (funding, auditing, payment offices)
- Lawyers
- SBA, DOL, and other agencies

# Importance of Audience Awareness

- Understanding your audience directly impacts the effectiveness and reception of your message.
- Tailor your:
  - Content
  - Tone
  - Delivery

# Importance of Audience Awareness

- Your goal is to engage your audience to get them to cooperate in YOUR objectives while helping them to achieve theirs.
- Your message should be:
  - To make the audience think in new ways.
  - To make them think of new questions.
  - To give you credibility; be someone worth listening to.
  - To create or uncover their need.
  - To make the prospect think in terms of your thought leadership. (Derived from Jeffrey Gitomer)



# Ways to Assess your Audience

- Demographic analysis
  - age,
  - gender,
  - occupation,
  - education level, and
  - cultural background.
- By gathering demographic data, you can better understand your audience's needs, interests, and level of comprehension.

# Ways to Assess your Audience (part 2)

- Psychographic analysis
  - attitudes,
  - values,
  - beliefs, and
  - motivations.
- This deeper understanding allows you to tailor your message to resonate with their interests and concerns. By appealing to their motivations and addressing their pain points, you can establish a stronger connection with your audience.

# Assessing your Audience (part 3)

- Additional data collection methods:
  - Surveys
  - Interviews
  - Focus groups
- Insights into their expectations and preferences (including learning style).
- Directly engaging with your audience before the presentation
  - Gather feedback
  - Clarify any misunderstandings
  - Address specific concerns

# Survey Question

I would rather write an article for:

- A. Journal of Contract Management
- B. Contract Management magazine
- C. A Law Review
- D. Forbes

# Presentation Techniques

- Address your audience directly and personally during your presentation:
  - Language
  - Examples
  - References
- The goal is to find means and modes that resonate with your audience's experiences and interests.

# Tone

- Use a conversational tone
- Encourage audience participation
  - Ask questions
  - Solicit feedback
  - Invite discussion
- Create an interactive environment that encourages collaboration and learning.

# *Tone and Voice*

## SECTION 2

# Tone and Voice

- "Tone and voice" in written communication refer to the style and manner in which a message is conveyed
- They reflect your
  - attitude
  - personality
  - intended emotional effect on the audience.
- The difficulty is that individuals in your audience will perceive the EXACT SAME MESSAGE in vastly different manners.



# Tone

- Tone refers to the author's attitude or emotion toward the subject matter or audience.
- It sets the overall mood of the communication and influences how the message is perceived by readers.
- Tone can be
  - formal
  - informal
  - friendly
  - authoritative
  - persuasive
  - humorous
  - serious
  - empathetic
  - any combination of these

# Tone

- Tone is conveyed through
  - Choice of words
  - Sentence structure
  - Punctuation
  - Overall writing style
- For example, a formal tone might be appropriate for a business report, while a conversational tone might be used in a blog post.

# Voice

- Voice is the distinctive personality or style of the author that shines through in their writing.
- Voice makes one writer's work unique and recognizable.
- Voice is shaped by the author's
  - beliefs
  - values
  - experiences
  - writing habits
- It encompasses the author's perspective, point of view, and way of expressing ideas.

# Voice

- Voice can be:
  - Authoritative
  - Confident
  - Witty
  - Introspective
  - Descriptive
  - Poetic
  - ***Any other characteristic that reflects the author's individuality***
- Developing a strong voice involves finding one's authentic writing style and cultivating a consistent and engaging narrative persona.

# Word Choice

## SECTION 2A

# Communication

- ***Many contract disputes arise because different people attach different meanings to the same words and conduct.***

**Restatement (Second) of Contracts, §2 (1981), comment b,  
Manifestation of Intention**

# Words may have Meaning, or they May Not

- Polonius: What do you read, my lord?  
Hamlet: Words, words, words (Shakespeare, 1603)
- By repeating the word three times, Hamlet suggests that what he is reading is meaningless.
- Contract drafting is a form of “technical writing’



# Grammar or Dialect?

- **Inquiry/Enquiry** *Inquiry* and *enquiry* both mean “a request for information.” *Inquiry* is the standard American English spelling. *Enquiry* is the British spelling.
- Colour
- Behaviour
- Judgement



# Commonly Confused Words

- **Accept/Except**
- **Advice/Advise**
- **Affect/Effect**
- **Among/Amongst**
- **Among/Between**
- **Breath/Breathe**
- **Capital/Capitol**
- **Complement/Compliment**

# Commonly Confused Words

- **Disinterested/Uninterested**
- **Defence/Defense**
- **Emigrate/Immigrate**
- **E.g./I.e.**
- **Empathy/Sympathy**
- **Farther/Further**
- **Fewer/Less**

# Commonly Confused Words

- **Flaunt/Flout**
- **Gaff/Gaffe**
- **Gray/Grey**
- **Historic/Historical**
- **Imply/Infer**
- **Insure/ ensure/ assure**
- **It's/Its**
- **Lay/Lie**

# Commonly Confused Words

- **Lead/Led**
- **Learned/Learnt**
- **Loose/Lose**
- **Principal/Principle**
- **Inquiry/Enquiry**
- **Stationary/Stationery**

# Commonly Confused Words

- **Sensual/Sensuous**
- **Than/Then**
- **Their/There/They're**
- **To/Too/Two**
- **Toward/Towards**
- **Who's/Whose**

Portions of the above were derived from:

<https://www.grammarly.com/blog/commonly-confused-words/>

# Commonly Confused Words

- **Anxious/Eager**
- **Bimonthly/Semimonthly**
- **Comprise/Compose**
- **Connote/Denote**
- **Continual/Continuous**
- **Discreet/Discrete**

# Commonly Confused Words

- **Precede/Proceed**
- **Who/That**
- **Fiscal/ Physical**
- **Seen/Saw**
- **Hearty/Hardy**
- **Site /Sight /Cite**
- **Dessert/Desert**

Portions of the above were drawn from: <https://www.carew.com/choose-words-carefully-20-commonly-confused-misused-words-can-hinder-sales-effectiveness/>

# Words to Omit

- Delete these words to make your writing more potent:
  - Really - Just - So - Often - That - Sometimes
  - Better - It - Well - Probably - Usually
  - And, and, and - Much - Like - This
- Classes of words: adverbs
- Very (Twain)



# Legalese

- **Aforementioned**
- **Hereinafter**
- **Whatsoever**
- **Therein**
- **Herein**
- **Now Witnesseth**

# Avoid Redundancies (An Artifact of the Norman Conquest)

- The number of Normans who settled in England was sufficiently predominant to continue to use their own language. It was natural at first, because they knew no English. For 200 years after the Norman conquest, French remained the language of ordinary exchanges among the upper classes in England.
- Plus – Latin for the clergy

# Foreign Words

- **Inter alia**
- **Assuming arguendo**
- **A fortiori**
- **A priori**
- **Ab initio**
- **De facto**
- **Res ipsa loquitor**
- **Etc.**

# Superfluous Words (Lawyers get Paid by the Word)

## Avoid

In the event that

In spite of the fact that

Owing to the fact that

At this moment in time

In the absence of

Made good their escape

Leaves much to be desired

Was of the opinion that

Put in an appearance

## Use

If

Although

Because

Now

Without

Escaped

Poor/weak/insufficient

Thought

Appeared

# Spelling

“Marilyn Vos Savant, reportedly the smartest person on earth based on IQ test scores, has a fascinating book on proper spelling. She reports that there is actually no correlation between those who spell well and the person’s intelligence. Smart people can spell poorly and less equipped people can spell fabulously. But here is her point—when people include misspellings in their work, the reader **perceives** them as being less intelligent and will be reflected in the way they treat the person. Bad spellers, regardless of absolute IQ, will often be denied advancement opportunities and leadership positions due to these erroneous perceptions. Sustained leaders learn how to spell, make use of spellcheck on their computers, and watch very carefully for the traps that can be laid by autocorrect systems. The same is true regarding the use of good grammar. The writing should be your thoughts, not what the computer substitutes for your words. Learn to write well.”

Vos Savant, Marilyn. *The Art of Spelling: The Madness and the Method*. (W.W. Norton & Company, New York, 2000).

# *Message Clarity*

## SECTION 3



**Sustained Leadership WBS**  
Fuzzy writing reflects fuzzy thinking. Communicating clearly and effectively is always a skill of the sustained leader.

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

# Technical Writing

- The audience for technical writing typically includes professionals with specific knowledge or expertise in a particular field. Technical documents are often written for specialists who require detailed information to perform their jobs effectively.
- Technical writing is characterized by its emphasis on accuracy, precision, and logical organization of information. It often includes technical terminology, diagrams, tables, and other visual aids to enhance clarity and understanding.



# Business Writing

- The audience for business writing is seeking information, ideas, or messages within a business context.
- Business documents are designed to inform, persuade, or instruct individuals in a professional setting.
- Business writing is characterized by its pragmatism, professionalism, and focus on achieving specific business objectives.
- It emphasizes clarity, conciseness, and persuasiveness, often using a formal or semi-formal tone depending on the audience and purpose.

# Contract Writing

- Contracts and related file documentation require
  - How-to technical information
  - Informative business information
- In Contracting, the audiences are sometimes clearly defined between the two.
- The contract manager is the bridge between the two and must write accordingly

# Passive Voice

- Passive voice tires the reader because they have to think about who received the action of the verb in the sentence. The subject is acted on rather than doing the action.
- Active voice places the actor in a direct relationship with the action. The subject of the sentence performs the action.

## EXAMPLE:

1. The contract may **be terminated** by either party with thirty days written notice to the other party.
2. Either party may terminate this contract by giving thirty days written notice to the other party.

# Passive Voice

- Chronology is easier to follow in active voice
- Active voice tends to express the thought in fewer words
- Watch for:

“be” words (is, are, was, were)

Followed by a verb ending in “ed”

The motion was denied

The word “by”

Followed by a noun or proper name

The squirrel was chased by the dog.

# Defined Terms

- Define the terms you are going to use.
- Use the defined words with a capital letter only
- DO NOT define terms you do not intend to use
- DO NOT use defined terms in a different way

# Proper Party Designation

- Don't use “party of the first part” and “party of the second part.”
- Designate the parties as defined terms and then USE THEM
- “Buyer” and “Seller” are usually adequate.
- FAR uses “Government” and “Contractor”

# Personal Pronouns

- Commonly used in commercial contracts; especially when there is minimal ability to bargain.
  - “We” will do *this*, and “You” will do *that*, (then you will sit down, shut up, and accept what we give you).
  - AND REMEMBER – you ALWAYS refer to the other person first and yourself second (or last)
    - “Me and Jimmie went to the park”
    - “Jimmie and I went to the park.”

# Me, Myself, and I

The -self pronouns are what we call reflexive. They refer to a noun or pronoun that has already been put in place. They cannot function alone anymore than a mirror facing nothing can show a reflection.

This was done by **myself** and several members of my team.  
I want to thank your workers and **yourself** for our success.  
They arrested several people, including **myself**!

The purpose of reflexive pronouns is to allow interaction between the thing and its reflection. For example:

- I told myself to stop screaming.
- He thinks too little of himself.
- The queen herself gave the order.
- The twisted whip hit itself.
- [You] Go check it yourself.

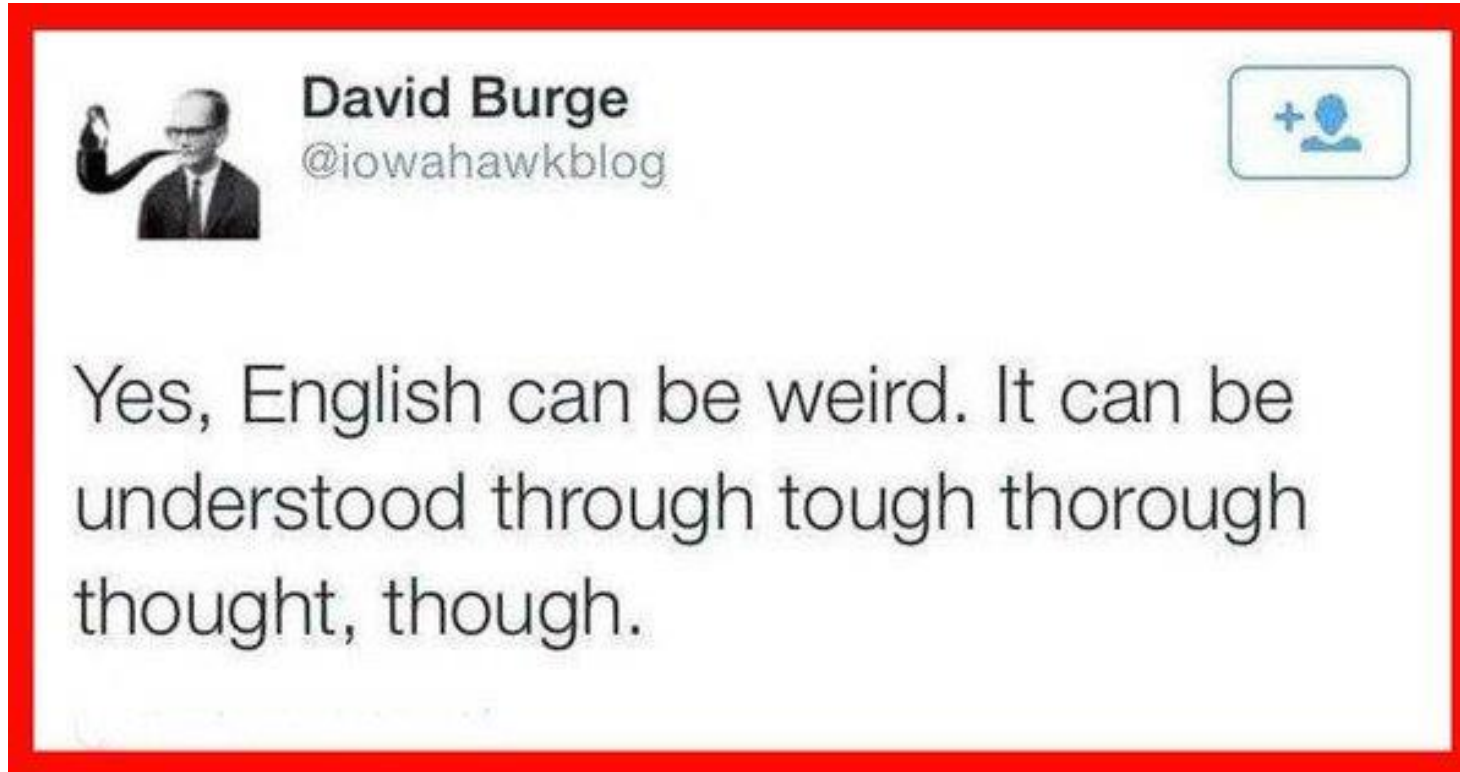
Derived from: <https://proofreadingpal.com/proofreading-pulse/grammar/correct-use-of-myself-yourself-itself/>



# “Notwithstanding”

- Designed to build an order of precedence in the clause itself
- Conflicting use of “notwithstanding” clauses

# Exam – Say this out loud.



**Ugh! (or Ough!)**

# *Feedback Incorporation*

## SECTION 4

# Sustained Leaders

## 1.3 Know Yourself

1.3.1 Constant Learner

1.3.2 Self Motivated

1.3.3 Humility

1.3.3.1 Assesses Self Honestly

1.3.3.2 Teachable

1.3.3.3 Handles Criticism

1.3.3.4 Unselfish

1.3.3.5 Understands Power and Shares Power

1.3.3.6 Aware Of Limitations

1.3.3.7 Controlled Ego

Full WBS matrix can be found at: [www.sustainedleadershipwbs.com/wbs](http://www.sustainedleadershipwbs.com/wbs)

# Soliciting and Using Feedback

Soliciting feedback and incorporating it into writing is crucial for ensuring alignment with the audience's requirements and expectations

- **Enhanced Clarity and Understanding**
- **Improved Relevance and Appropriateness**
- **Increased Engagement and Interest**
- **Validation and Validation of Assumptions**
- **Continuous Improvement**

# *Proofreading Techniques*

## SECTION 5

# Proofreading Techniques

- Read it out loud; rest, read it again
- Read it into a recorder and listen to it (read along)
- Look for your common known errors
- Have someone read it to you
- Read it back to front
- Read it upside down
- Hire an editor (several flavors)
- Ask a mentor to read it
- Use automated tools/ AI

# Readability

The more readable your contract, the less likely it will need interpreting

- Sentence length (20-25 words)
- Paragraph length (5-6 sentences)
- Passive voice below 5-10%
- Flesch-Kincaid score –
  - 90- 100 – 11 year old
  - 60-70 – 15 year old
  - 0-30 – College Graduates



# Readability

## REMEMBER!

You don't write the standard clauses

You don't (usually) write the specifications

You don't usually write the Exhibits/Attachments

**You ARE responsible for  
administering the contract, reducing risk, and  
creating business certainty.**

# The Power of MS Word

MS Word can provide a wealth of data on readability:

- Number of words
- Number of characters
- Number of paragraphs
- Number of sentences
- Average number of sentences per paragraph
- Average words per sentence
- Average number of characters per word
- Percentage of sentences in passive voice
- Flesch Reading Ease Scale
- The Flesch-Kincaid Grade Level Scale

# Benefits of Plain English

- More efficient negotiations
- Lower costs
- Improves productivity
- Gets team up to speed more quickly
- Less likelihood a party will plead ignorance
- Court more likely to enforce the terms
- Increases trust/ credibility
- Reduces disputes and misunderstanding
- Shorter documents
- Less intimidating to clients/ customers

# Resources - <https://www.plainlanguage.gov/>

The screenshot shows the homepage of plainlanguage.gov. At the top, a navigation bar contains the text "Home | plainlanguage.gov" and a search icon. Below the navigation bar is a main heading: "Plain language makes it easier for the public to read, understand, and use government communications." A blue button labeled "Learn more" is positioned below the heading. The main content area features four resource cards arranged in a 2x2 grid. Each card has an icon and a title followed by a brief description. The cards are: "Law and requirements" (gavel icon), "Plain language guidelines" (pencil icon), "Training" (graduation cap icon), and "Examples" (document icon). At the bottom of the screenshot, a Windows taskbar is visible with various application icons and a system tray showing the time as 1:43 PM on 4/26/2021.

Home | plainlanguage.gov

plainlanguage.gov

**Plain language makes it easier for the public to read, understand, and use government communications.**

[Learn more](#)

- Law and requirements »**  
Learn about the Plain Writing Act, policy memos, and executive orders that require agencies to use plain language.
- Plain language guidelines »**  
Official writing guidelines for understanding your audience, being clear and concise, and testing your content.
- Training »**  
Request in-person training for your federal agency, or use our videos and materials to create your own class.
- Examples »**  
See plain language in action in a variety of regulations, legal documents, handbooks, and publications.

<https://www.plainlanguage.gov/guidelines/>

# Plain Language in Contracting Act

- **H.R.7987 - Plain Language in Contracting Act**
- Passed the House; House Report [H. Rept. 118-471](#)
- Now in the Senate
- Its purpose is to “require plain language and the inclusion of key words in covered notices that are clear, concise, and accessible to small business concerns, and for other purposes.”
- Like all legislation, possibly creates more problems

# Session 2 Summary

- Know your audience
- Develop and use appropriate Tone and Voice
- The words you choose to use are important
- The words you choose to NOT use are important
- Words have accepted meanings – do not misuse them
- Everything you write should be readable
  - Sentence length
  - Paragraph length
  - Word usage
  - Appropriate readability level
- Ambiguities, even if inadvertent, will work against the drafter
- Proofread and accept feedback

**YOUR JOB IS TO REDUCE RISK, UNCERTAINTY, AND CONFUSION**

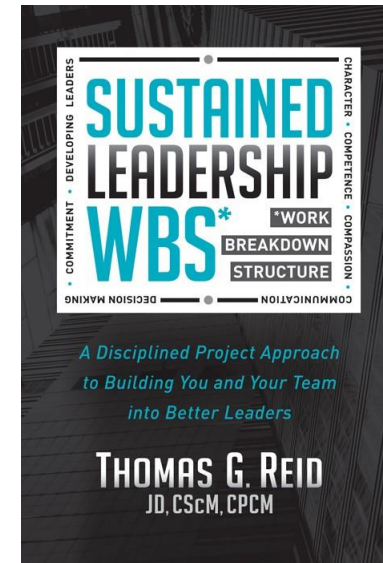
# You Have Earned your Badge



# 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 DePree**  
*Author & Business Executive*

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