



“That”¹ Is OK!

In this column, I frequently hearken back to three core principles that animate my approach to usage issues: accuracy, brevity, and clarity. Generally, if a grammar, style, or punctuation rule serves none of these goals, I am less adamant about following it.²

These three values are not of equal importance, however. Don’t let a thoughtless quest for brevity imperil accuracy and clarity. For example, someone may have told you that automatically deleting the word *that* is a good strategy for making your writing more concise.

This is a bad idea. I’ll tell you why.

Sometimes, omitting a word creates a momentary miscue. The omission causes the reader to anticipate that the sentence is going in a different direction than the writer intends. Linguist Steven Pinker and others call this the *garden path sentence*—an otherwise grammatically correct sentence that temporarily lures the reader down a dead-end road of meaning. You may be familiar with this classic garden-path sentence:

- *The horse raced past the barn fell.*

Although the sentence is perfectly grammatically correct, the reader has one interpretation of the action until she reaches the sentence’s final word, when she must backtrack and re-parse the full sentence to appreciate its intended meaning. The writer could have avoided this momentary miscue by inserting the words *that* and *was* before the word *raced*: The horse *that was* raced past the barn fell.

Readers become frustrated and distrustful when they must work too hard to understand the writer’s point. Writers also want to avoid unintentionally taking their readers on an emotional roller coaster. One can easily imagine the hopes raised—and then cruelly dashed—by this sentence:

- *The Senate confirmed Merrick Garland would not receive a hearing or a vote.*

Better to write:

- *The Senate confirmed that Merrick Garland would not receive a hearing or a vote.*

That way, your reader will not momentarily misapprehend your meaning. So how do you know when you must include the word *that*? Here are some tips.

Often, with verbs relating to thought or speech, you can omit *that*. For example:

- *Jamie said the trial would take a week.*
- *Petey thought I was leaving for work, so he jumped on the bed.*

Although you could include the word *that* after *said* or *thought* in these examples without being incorrect, you do not need it for accuracy or clarity.

Consider, though, whether words that follow a verb might be mistaken for objects of that verb. For example:

- *Petitioner maintains the house was abandoned.*
- *The governor announced his decision on Pima County Superior Court appointments would be delayed.*

You can see how a reader might initially anticipate that *the house* was the object of the verb *to maintain*, or that a reader might not realize until the end of the second sentence that the governor had not actually announced his decision. Avoid this confusion by including the word *that*.

Legal writers often create this confusion by omitting the word

that after verbs like *held*, *found*, and *argued*:

- *The court held burritos were not sandwiches under the meaning of the statute.*
- *After an evidentiary hearing, the court found El Charro was not a fast-food restaurant.*
- *The prosecutor argued the motion was moot.*

Was the court dining on the bench? Was El Charro lost? Did the prosecutor argue the motion or something about the motion? Even if your reader ultimately discerns your meaning, including the word *that* in these examples would have avoided any momentary miscue.

Keep parallel structure in mind, too. If you write a sentence with two parallel clauses, be consistent: if you use *that* in the first, you must use *that* in the second:

- *Oprah hinted that she might run for office and that, if she did, she would consider selecting Dwayne “The Rock” Johnson³ as her running mate.*

Sometimes the word *that* just enhances the rhythm and flow of your sentence, and that’s reason enough to keep it. Better to include one short word than to disrupt a smooth read.

And, as legal-writing expert Ross Guberman notes, all of the cool kids use *that*, including all nine SCOTUS justices.⁴ Even the *Associated Press Stylebook*, which occasionally errs on the side of brevity more than I would,⁵ counsels writers, “When in doubt, include *that*. Omission can hurt. Inclusion never does.”

So that’s that! (Insert mic drop here.) 



Susie Salmon

Susie Salmon is the Director of Legal Writing and Clinical Professor of Law at the University of Arizona, James E. Rogers College of Law. Before joining Arizona Law, she spent nine years as a commercial litigator at large firms in Tucson and Los Angeles.

endnotes

1. Thank you to Judge Randall Howe of Division One of the Arizona Court of Appeals for the column idea!
2. Of course, there are exceptions. Commas and periods placed outside the quotation marks implicate none of these three core values. Nonetheless, they make my head explode.
3. Also known as “Mr. The Rock.”
4. Ross Guberman, *Stop Cutting ‘That,’* <http://legalwritingpro.com/articles/G64-stop-cutting-that.php>. They also all use the Clarity Comma. See Ross Guberman, *Four Usage Fights*, www.legalwritingpro.com/articles/C13-four-usage-fights.php.
5. See, e.g., The Great Clarity Comma Debate.