

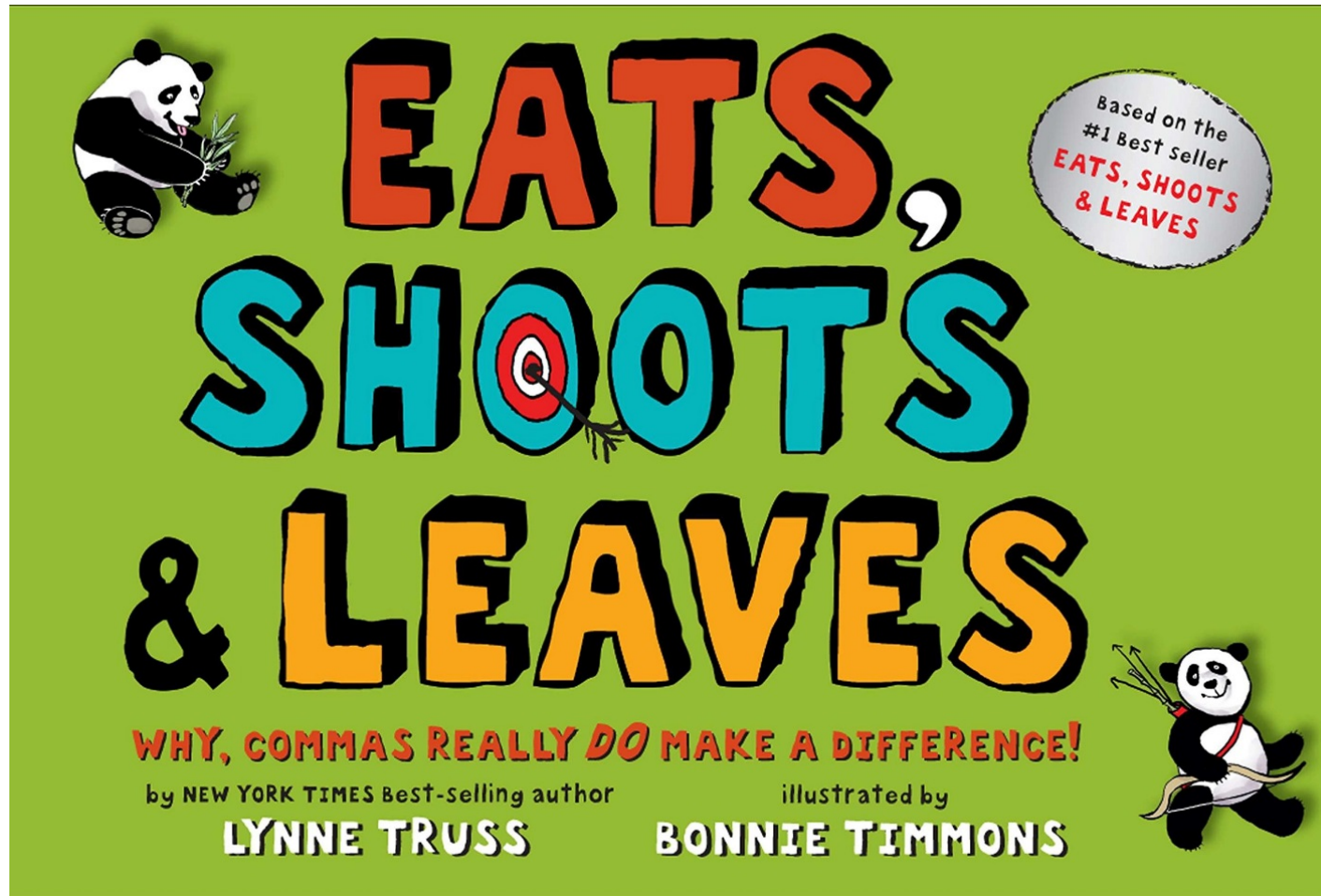
5 Million Dollar comma mistake

Laura McCarthy
Jennifer Van Thomme
Baerbel Schiller
Jessica Merrigan

April 2019



Punctuation can make a real difference



The New York Times

*Oxford Comma Dispute Is Settled
as Maine Drivers Get \$5 Million*



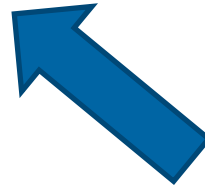
What was the \$5 Million Comma? (or lack thereof)

The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of:

Agricultural produce;

Meat and fish product; and

Perishable foods



"Distribution" is the key word here. Without the Oxford comma, "packing for shipment or distribution" is one activity that's exempt from time-and-a-half pay.

How and To Whom You Communicate Matters



How and To Whom You Communicate Matters



Written communication

Tip: Optimize for your target audience but consider alternate readers

- Example: Work Plan
 - Primary Audience: facility personnel
 - Alternate Audience: management
 - Alternate Audience: regulators
 - Alternate Audience: counsel
 - Alternate Audience: the public

Written communication

Tip: Beware of words with multiple meanings

- Example: Permitted
 - Allowed
 - Regulated under a permit
- Example: Concrete
 - Known
 - A building material made from a mixture of broken stone or gravel, sand, cement, and water, which can be spread or poured into moulds and forms a mass resembling stone on hardening.
- Example: Bad Data
 - Data with an undesirable outcome
 - Data which failed data validation

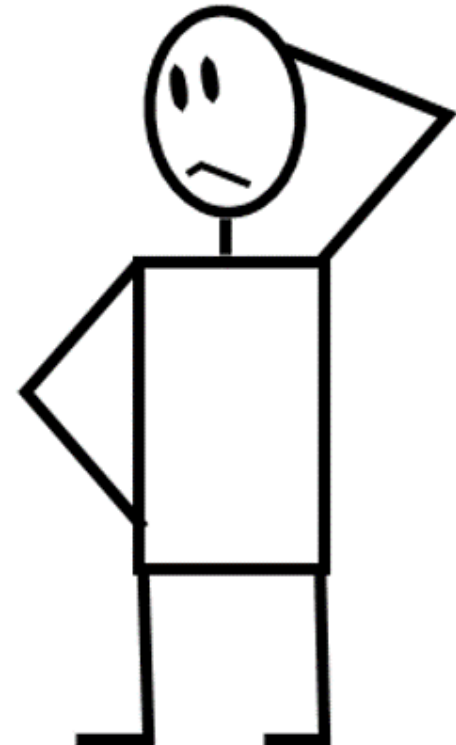
Pros and cons of wobble words

Different words for different levels of uncertainty

- Potentially
- Likely
- Unlikely

*“Risk is
measurable
uncertainty”*

*“Uncertainty is
unmeasurable
risk”*



Wiggle word or clarifying term?

Term	Certainty (%)	Three
Known	100	Certain, beyond any doubt
Very likely	80-99	Very likely through virtually certain
Likely	50-80	Probable
Unlikely	20-50	Doubt, probably not, improbable
Very unlikely	<20	Possible, conceivable, may
Impossible	0	Absurd, contrary to reason

How and To Whom You Communicate Matters



Verbal communication challenges

Understand your purpose – before you start talking, and before you keep talking

Understand your audience and also your team

- Spokespeople may need to change for different purposes

Prepare in advance

- Cameras are everywhere and you will find editing to be more challenging

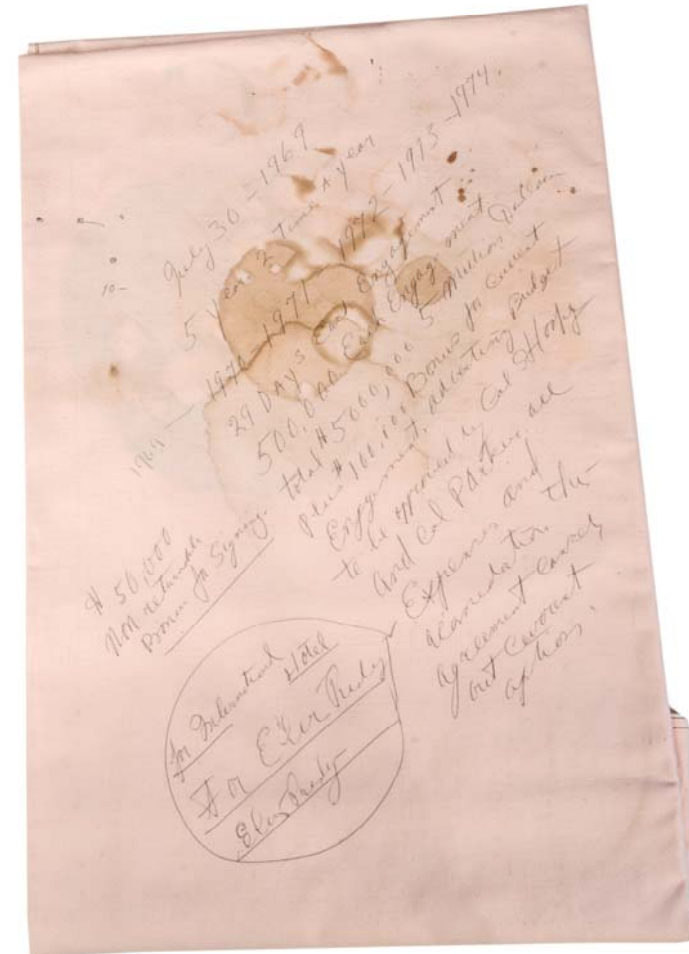
Interactive audiences can drive discussions in undesirable directions

- Weighing the risk of answering incorrectly with appearing incompetent by not answering at all
- Mixed audiences have different levels of understanding

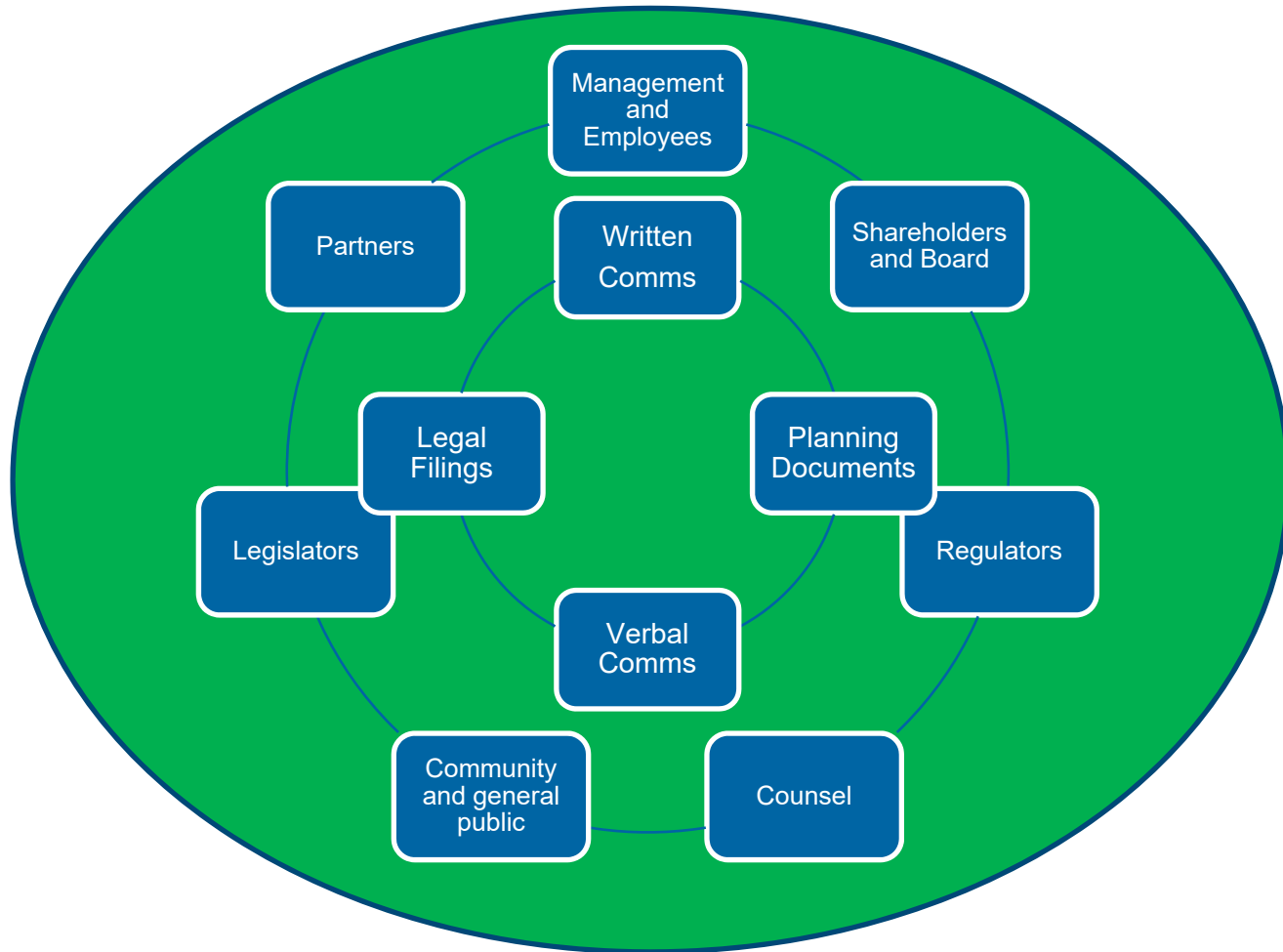
When verbal communication won't cut it

A contract on a table cloth is better than no contract at all

- Example 1: Building a house
- Example 2: Documenting assumptions
e.g. bid walks
- Example 3: When you don't speak the same language – either international projects or multidisciplinary teams
- Example 4: Deviations from plan, documenting concurrence from both parties
- Example 5: Potentially controversial information
 - Public notices
 - Changes in pricing
 - Auto-renewal of previous services



How and To Whom You Communicate Matters

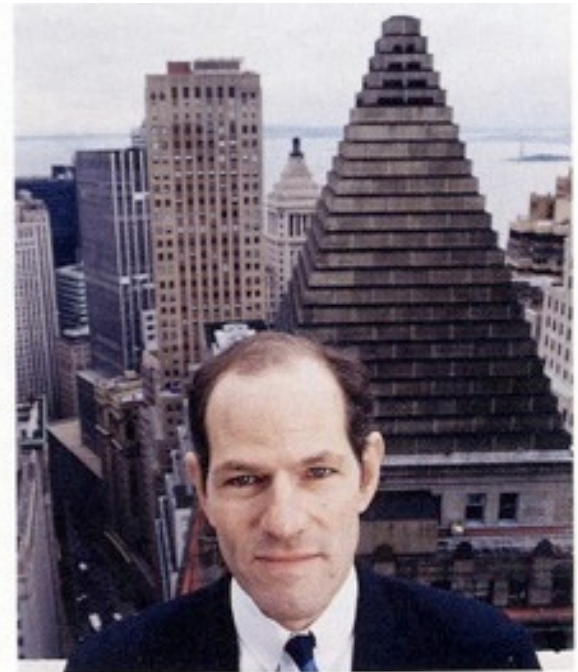


Electronic Communication

A lesson in electronic communication

**Never write when you can
talk. Never talk when you
can nod. And never put
anything in an e-mail.**

ELIOT SPITZER,
New York state attorney general



New York Magazine, Dec. 9, 2005

Given that Spitzer's behavior was caught via a federal wiretap, I guess he should have taken his own advice and not used the phone to schedule his rendezvous...

Electronic communication challenges

Everything happens faster

- Responses are near immediate, reducing time to thoroughly think through the best answer
- Recipients may misread your email or text message – context lost on a small screen

Information is memorialized nearly forever

- Court cases may dig up years worth of emails – even if you delete them, they are typically backed up elsewhere
- Even voicemails are getting transcribed and sent to email

Tip: where possible, limit email on smart phones. Set specific times of day to check email to optimize understanding and develop a clear response.

Questions

Midwest Environmental Compliance Conference

Jennifer Van Thomme

Jennifer.Van.Thomme@ghd.com

Baerbel Schiller

bschiller@spencerfane.com

Laura McCarthy

Laura.McCarthy@globalprairie.com

Jessica Merrigan

jmerrigan@spencerfane.com

