

WATCH YOUR LANGUAGE:

Word Choice in Marketing Pieces and Proposals Makes a Difference

by Dennis M. Schrag, Ed.D.

Reduce your liability exposure by being especially careful with some of the language you use in your marketing literature and proposals.

Proposal language can create legal traps. Take this simple self-test to see how sensitive you are about marketing language.

From a professional liability perspective, which set of words is the safest to use in proposals and other sales documents?*

1. ...performance will be timely; probably cost
2. ...to your satisfaction; guaranteed
3. ...immediately; thoroughly
4. ...as you require; highest standards

Here are some DANGEROUS WORDS, which can cause legal traps:

<u>WORDS</u>	<u>LEGAL INTERPRETATION</u>	<u>SUBSTITUTE</u>
Inspect (inspections)	Find every fault	Observe; Visit; Review
Certify	Guarantee	Review
Examine	Find every fault	Observe; Visit; Review
Insure	Guarantee	Attempt; use its best professional effort to...
Estimate	Determine with Certainty	Determine probable cost
Control	Assume responsibility for the work of others	Coordinate with
Work (noun)	A physical product	Services
Work product	A physical product	Deliverable
Approve	Guarantee	Observe; review
As required	As required if reasonable or not	As reasonably required
Shall	Must	May; will if deemed reasonably necessary
Necessary	Subject to court's whim	Determined to be reasonably necessary
Thorough	With perfection	According to professional standards
Immediate	Right then	Without undue delay
Guarantee	Guarantee	Avoid using this word if at all possible

Safe	Without danger	In accordance with applicable standards
Or Equal	A duplicate	Or Equivalent
Exactly	Precisely; without tolerance	Substantially
Highest Standards	Best available in the country	Our best professional efforts

*Answer number 1 is the preferred language.

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Dennis Schrag, Ed.D., CPSM is the President of The Longview Group, a national firm headquartered in Iowa City, IA. The Longview Group provides professional design and construction organizations specialized services in marketing and sales, human resources/recruitment, project management and executive management. TLG provides training, on-the-job coaching, expert counsel and extra-hand services.

Dennis is on the faculty of the University of Iowa Tippie College of Business. He teaches MBA level entrepreneurial courses in professional services, entrepreneurial marketing, dynamics of consulting and new business formation. He was corporate marketing manager of The Stanley Group, a 700 person consulting engineering, architectural, construction and environmental firm with 12 domestic and 5 international offices.

Dennis was awarded the 2002 national SMPS Foundation research grand to study how firms can retain clients after the rainmaker leaves.