CONTENTS

Preface xiii

3.

Introduction 1

1. Framing Your Thoughts 7

§ 16. Avoid doublets and triplets. 55

terms ending in -ee and -or. 57

when you really need them. 59

	outlining. 9	
§ 3.	Order your material in a logical sequence. Present facts chronologically. Keep related material together. 16	
§ 4.	Divide the document into sections, and sections into subparts as needed. Use informative headings. 20	
Phrasing Your Sentences 24		
§ 5.	Omit needless words. 24	
§ 6.	Keep your average sentence length to about 20 words. 27	
§ 7.	Keep the subject, the verb, and the object together—toward the beginning of the sentence. 31	
§ 8.	Use parallel phrasing for parallel ideas. 33	
§ 9.	Prefer the active voice over the passive. 36	
§ 10.	Avoid multiple negatives. 40	
§ 11.	End sentences emphatically. 41	
Choosing Your Words 44		
§ 12.	Learn to detest simplifiable jargon. 44	
§ 13.	Use strong, precise verbs. Minimize is, are, was, and were. 48	
§ 14.	Simplify wordy phrases. Watch out for of. 50	
§ 15.	Turn -ion words into verbs when you can. 53	

PART ONE: PRINCIPLES FOR ALL LEGAL WRITING 5

Have something to say—and think it through. 7

For maximal efficiency, plan your writing projects. Try nonlinear

§ 17. Refer to people and companies by name. Never use corresponding

§ 18. Don't habitually use parenthetical shorthand names. Use them only

CONTENT	
§ 19.	Shun newfangled acronyms. 60
§ 20.	Make everything you write speakable. 62
PART T	wo: Principles Mainly for Analytical and
PERSUA	ASIVE WRITING 67
§ 21.	Plan all three parts: the beginning, the middle, and the end. 69
§ 22.	Use the "deep issue" to spill the beans on the first page. 73
§ 23.	Summarize. Don't overparticularize. 78
§ 24.	Introduce each paragraph with a topic sentence. 81
§ 25.	Bridge between paragraphs. 83
§ 26.	Vary the length of your paragraphs, but generally keep them
	short. 88
§ 27.	Provide signposts along the way. 92
§ 28.	Unclutter the text by moving citations into footnotes. 94
§ 29.	Weave quotations deftly into your narrative. 101
§ 30.	Be forthright in dealing with counterarguments. 104
PART T	HREE: PRINCIPLES MAINLY FOR LEGAL DRAFTING 107
§ 31.	Draft for an ordinary reader, not for a mythical judge who might someday review the document. 109
§ 32.	Organize provisions in order of descending importance. 112
§ 33.	Minimize definitions and cross-references. If you have more than

just a few definitions, put them in a schedule at the end — not at the

§ 34. Break down enumerations into parallel provisions. Put every list of

§ 39. Prefer numerals, not words, to denote amounts. Avoid word-

§ 40. If you don't understand a form provision — or don't understand why

understanding. If you still can't understand it, cut it. 139

PART FOUR: PRINCIPLES OF DOCUMENT DESIGN

§ 42. Create ample white space — and use it meaningfully.

§ 43. Highlight ideas with attention-getters such as bullets. 148

it should be included in your document — try diligently to gain that

subparts at the end of the sentence — never at the beginning or in

beginning. 116

the middle. 120

§ 35. Delete every shall. 125

§ 36. Don't use provisos. 128

numeral doublets. 136

§ 41. Use a readable typeface. 145

§ 37. Replace and/or wherever it appears. 133

§ 38. Prefer the singular over the plural. 135

- § 44. Don't use all capitals, and avoid initial capitals. 150
- § 45. For a long document, make a table of contents. 151

PART FIVE: METHODS FOR CONTINUED IMPROVEMENT 159

- § 46. Embrace constructive criticism. 161
- § 47. Edit yourself systematically. 162
- § 48. Learn how to find reliable answers to questions of grammar and usage. 165
- § 49. Habitually gauge your own readerly likes and dislikes, as well as those of other readers. 168
- § 50. Remember that good writing makes the reader's job easy; bad writing makes it hard. 171

Appendix A: How to Punctuate 173 Appendix B: Four Model Documents 191

- Research Memorandum 193
- Motion 202
- Appellate Brief 211 3.
- Contract 226

Key to Basic Exercises 241 Bibliography 259 Index 263