Five Tools for Writing Fixes: Stocking the Legal Writer's Toolbox

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FIVE TOOLS FOR WRITING FIXES: STOCKING THE LEGAL WRITER’S TOOLBOX

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As a child I was fascinated by my grandfather’s toolbox. Because my father fixed everything with duct tape, my mother frequently had to call her own father for house repairs. He would arrive carrying a green, homemade wooden toolbox that always had exactly what he needed to complete the job. Stuck door? Out came the file to get rid of that pesky bit of wood that was catching on the frame. Leaky water-heater? He arrived with a selection of pipe wrenches (and a razor to cut through Dad’s duct tape fix!). Had I become a carpenter, I would have loved to inherit his toolbox.

Instead, I went to law school, so I’ve had to create my own toolbox. Through trial and error, I’ve learned the resources I need to remedy a sticky writing problem. So long as I keep five resources at my fingertips, I can answer almost every question I have while drafting and easily fix any writing problems I encounter at the editing or polishing stage. Add a desk book, grammar guide, usage dictionary, writing text, and citation manual to your toolbox, and you’ll find that your writing goes much more smoothly.

Procedural rules
First, every attorney should keep copies of the procedural rules handy. By keeping copies of procedural and local rules at your disposal, you will never wonder for long about the page limits for a brief or whether you need to number the lines in a document. Fortunately, Idaho attorneys can keep important rules handy either in print or online. Both Michie and Thompson include the Idaho Court Rules in their print versions of the Idaho Code. If you prefer not to clutter your workspace, the website of Idaho courts provides a link to these rules and more: http://www.isc.idaho.gov/rules.txt.htm. You can easily bookmark it in your browser and refer to it whenever you have formatting or filing questions.

Grammar guide
Because our profession puts such a premium on clear communication, every attorney should invest in a good grammar guide. You should choose a grammar guide that you are comfortable using and that has enough depth to contain lesser-known rules. If you already have a grammar guide, pull it out and keep it handy. If you’re looking for a good grammar guide, I love the Chicago Manual of Style, but it’s a thick book with a lot of detail, which can be overwhelming. The Aspen Handbook for Legal Writers: A Practical Reference by Deborah E. Bouchoux has a very accessible section on grammar, punctuation, and spelling. And of course, Bryan Garner’s The Redbook: A Manual on Legal Style likewise has excellent sections on grammar and punctuation, both filled with legal examples to help the reader understand the rules. Either of these last two guides will serve you well, and as an added bonus each covers style.

No matter which grammar guide you choose, customize it. It’s a great idea to add tabs to the pages containing the rules you struggle with and those you consult often. Once you have settled on a guide and made it your own, it’s easy to quickly determine if the words you’ve written convey the meaning you intend.

Usage dictionary
If I know my sentence is grammatically correct, but I’m still struggling, I’m likely having a wording problem. So I’ve learned to keep a usage dictionary handy. I prefer a usage dictionary to a standard dictionary because it offers details about how to use words, not just their meaning. Moreover, these dictionaries tell you whether a particular usage is widely accepted. Such information is great to have at your fingertips, particularly if you want your analysis or argument to shine without awkward words distracting the reader.

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If you don’t have a usage dictionary, consider looking for Miriam-Webster’s Dictionary of English Usage, Henry Fowler’s A Dictionary of Modern English Usage, or Garner’s Modern American Usage. These are general, but very easy to use. Of course, A Dictionary of Modern Legal Usage by Bryan Garner is another great choice and particularly useful to attorneys because it’s tailored to legal writers.

Writing text
Yes, attorneys are professional writers, not professional students. However, we are also busy writers and sometimes we just need a quick answer about a better way to structure an argument or a helpful reminder about persuasive writing techniques. When I simply cannot think of a better way to write what I am attempting to get down on the page, a quick glance at a legal writing text has saved me time and mental effort.

If you still have your legal writing text from law school, keep it where you do most of your writing. Chances are your
familiarity with its structure will help you find quick answers or guidance. If you no longer have one, or yours is out-of-date, consider finding another to keep handy. A Lawyer Writes: A Practical Guide to Legal Analysis by Christine Coughlin, Joan Malmud, and Sandy Patrick has great practical advice about creating well-organized professional intra-office documents. For advocacy documents, Just Briefs by Laurel Oates, Anne Enquist, and Constance Krontz has wonderful advice on persuasive techniques and practical considerations when drafting advocacy documents. A Practical Guide to Appellate Advocacy by Mary Beth Beazley is another great choice for the sophisticated brief writer who needs some quick advice or wants to improve her writing.

Citation manual

Finally, no legal document is polished until the citations are perfect, so every legal writer needs to have a citation manual within arm’s reach. Either The Bluebook: A Uniform System of Citation or the ALWD Citation Manual: A Professional System of Citation can be used in Idaho. The resulting citations will be virtually identical. I find that ALWD is easier to use because it is designed for practitioners, and I prefer the structure of having all the rules for one type of citation in one section. Once again, you should make your citation manual your own. Put tabs on the rules you use frequently or highlight abbreviations that give you trouble. Really make the book function for you.

Conclusion

Crafting well-written, perfectly edited and polished documents becomes much easier once you add simple tools to your toolbox. Take some time to assemble these five tools, and you will be able to quickly fix your next pesky writing problem. I’m off to see if I can find a lovely wooden box for my books. I just might paint it green and keep it on my desk!

Source

Eugene Volokh, Correcting Students’ Usage Errors, 58 J. LEGAL EDUC. 533, 537 (2009).

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About the Author

Tenielle Fordyce-Ruff is a member of Smith, Fordyce-Ruff & Penny, PLLC. She clerked for Justice Roger Burdick of the Idaho Supreme Court and taught Legal Research and Writing, Advanced Legal Research, and Intensive Legal Writing at the University of Oregon School of Law. She is also the author of Idaho Legal Research, a book designed to help law students, new attorneys, and paralegals navigate the intricacies of researching Idaho law. You can reach her at tfordyce-ruff@sfrplaw.com.