

Contents

<i>Acknowledgments</i>	<i>xix</i>
Introduction	1
Part I: A Guide to Effective Writing	5
Chapter 1: Effective Writing — The Whole Document	7
§ 1.1 The Psychology of Writing	7
§ 1.2 Outlines, Writing Plans, and Ordered Lists	9
§ 1.2.1 Read It All; Mull It Over	9
§ 1.2.2 Don't Overlook Obvious Ways to Organize	10
§ 1.2.3 Find Order Using a Three-Column Chart	10
§ 1.2.4 Talk to a Colleague	10
§ 1.2.5 Try a New Analogy or Format	11
§ 1.2.6 Create a Dining Room Table, Bedroom Floor, or Multiple Monitor Outline	13
§ 1.2.7 Consider Your Reader, Your Purpose, and How You View the Case	13
§ 1.3 Drafting the Document	14
§ 1.3.1 Give Yourself Optimal Writing Conditions	14
§ 1.3.2 Trick Yourself into Getting Started	14
§ 1.3.3 Write What You Know Best First	14
§ 1.3.4 "Get the Juices Flowing"	15
§ 1.3.5 Take It One Step at a Time	15
§ 1.3.6 Stay Focused	15
§ 1.3.7 Reward Yourself	16
§ 1.3.8 Organize Your Drafts	16
§ 1.4 Revising	16
§ 1.4.1 Develop a Revision Checklist	16
§ 1.4.2 Write an After-the-Fact Outline	17
§ 1.4.3 Do a Self-Critique	17
§ 1.4.4 Check for Unity and Coherence	18
§ 1.5 Editing	18
§ 1.6 Proofreading	19
Chapter 2: Connections Between Paragraphs	21
§ 2.1 Headings	21

§ 2.2	Roadmaps and Signposts	23
§ 2.2.1	Roadmaps	23
§ 2.2.2	Signposts	25
Chapter 3: Effective Paragraphs		27
§ 3.1	The Function of a Paragraph	27
§ 3.2	Paragraph Patterns	28
§ 3.3	Unity and Coherence in Paragraphs	29
§ 3.3.1	Paragraph Unity	29
§ 3.3.2	Paragraph Coherence	29
a.	Using Familiar Organizational Patterns	30
b.	Using Key Terms	30
c.	Using Sentence Structure and Other Coherence Devices	31
§ 3.4	Paragraph Length	32
§ 3.5	Topic and Concluding Sentences	33
§ 3.5.1	Stated Topic Sentences	34
§ 3.5.2	Implied Topic Sentences	36
§ 3.5.3	Concluding Sentences	37
§ 3.6	Paragraph Blocks	38
Chapter 4: Connections Between Sentences		43
§ 4.1	Generic Transitions	43
§ 4.1.1	Using Generic Transitions	43
§ 4.1.2	Problems with Generic Transitions	46
§ 4.2	Orienting Transitions	48
§ 4.3	Substantive Transitions	49
§ 4.3.1	The Structure of Substantive Transitions: Dovetailing	49
§ 4.3.2	The Content of Substantive Transitions	53
a.	Bridging the Gap Between Law and Application	54
b.	Applying Another Court's Rationale	55
c.	Gathering Together Several Facts	55
d.	Bridging the Gap Between Sections of a Document	56
Chapter 5: Effective Sentences		57
§ 5.1	Active and Passive Voice	57
§ 5.1.1	Identifying Active and Passive Voice	57
§ 5.1.2	Effective Use of Active Voice	58
§ 5.1.3	Effective Use of Passive Voice	60
§ 5.2	Concrete Subjects	62
§ 5.3	Action Verbs	64
§ 5.4	Distance Between Subjects and Verbs	65
§ 5.5	Sentence Length	67
§ 5.5.1	The Reader	67
§ 5.5.2	The Context	69

	§ 5.5.3	The Power of the Short Sentence	70
§ 5.6		Emphasis	71
	§ 5.6.1	Underlining	71
	§ 5.6.2	Using Positions of Emphasis	72
	§ 5.6.3	Combining the End Position with Other Strategies for Emphasis	73
	§ 5.6.4	Using Punctuation for Emphasis	74
	§ 5.6.5	Using Single-Word Emphasizers	75
	§ 5.6.6	Changing the Normal Word Order	76
	§ 5.6.7	Repeating Key Words	77
	§ 5.6.8	Setting up a Pattern	78
	§ 5.6.9	Variation: Deliberately Breaking a Pattern	78
§ 5.7		Sentence Structures That Highlight Similarities or Differences	78
Chapter 6: Effective Words			83
§ 6.1		Diction and Precision	83
	§ 6.1.1	Colloquial Language	85
	§ 6.1.2	Reader Expectations and Idioms	85
	§ 6.1.3	Not-Really-Synonymous Synonyms	86
	§ 6.1.4	The Same Term for the Same Idea	88
	§ 6.1.5	Precise Comparisons	89
	§ 6.1.6	Subject-Verb-Object Mismatch	89
	§ 6.1.7	Grammatical Ambiguities	94
§ 6.2		Conciseness	94
	§ 6.2.1	Don't State the Obvious	94
	§ 6.2.2	Don't Start Too Far Back	95
	§ 6.2.3	Don't Overuse Quotations	96
	§ 6.2.4	Create a Strong Subject-Verb Unit	98
	§ 6.2.5	Avoid Throat-Clearing Expressions	99
	§ 6.2.6	Don't Use Pompous Language	100
	§ 6.2.7	Don't Repeat Yourself Needlessly	101
	§ 6.2.8	Clean Out the Clutter	103
	§ 6.2.9	Focus and Combine	105
	§ 6.2.10	Avoid Excessive Conciseness	108
§ 6.3		Plain English vs. Legalese	109
	§ 6.3.1	Archaic Word Choice	111
	§ 6.3.2	Foreign Phrases	112
	§ 6.3.3	Use of Terms of Art and Argot	114
	§ 6.3.4	Use of "Said" and "Such" as Adjectives	115
	§ 6.3.5	Omission of the Article "The"	115
	§ 6.3.6	Absence of First- and Second-Person Pronouns	116
Chapter 7: Bias-Free Language			119
§ 7.1		Avoid Irrelevant Minority References	120
§ 7.2		Stay Abreast of the Preferred Terminology	120
	§ 7.2.1	Prefer Self-Chosen Labels and Pronouns	121
	§ 7.2.2	Choose Precise, Accurate Terms	124

§ 7.2.3	Whenever Possible, Prefer the Specific Term Over the General Term	124
§ 7.2.4	Prefer Terms That Describe What People Are Rather Than What They Are Not	125
§ 7.2.5	Notice That a Term's Connotations May Change as the Part of Speech Changes	125
§ 7.2.6	In Selecting Terms, Emphasize the Person Over the Difference	126
§ 7.2.7	Avoid Terms That Are Patronizing or Overly Euphemistic or That Paint People as Victim	126
§ 7.2.8	Avoid Idioms That Are Steeped in Prejudice	127
§ 7.3	Gender-Neutral Language	128
§ 7.3.1	Avoid the Generic Use of "Man"	128
§ 7.3.2	Avoid the Generic Use of "He"	128
§ 7.3.3	Use Gender-Neutral Job Titles	130
§ 7.3.4	Avoid Sexist Modifiers	131
§ 7.3.5	Avoid Other Sexist Language	131
Chapter 8: Eloquence		133
§ 8.1	Purple Prose	134
§ 8.2	Common Features of Eloquent Writing	135
§ 8.2.1	Repetition of Sound	135
§ 8.2.2	Cadence	137
§ 8.2.3	Variety in Sentence Length	139
§ 8.2.4	Variety in Sentence Openers	140
§ 8.2.5	Balance and Symmetry	141
§ 8.2.6	Onomatopoeia	143
§ 8.2.7	Simile and Metaphor	144
§ 8.2.8	Personification	145
Part II: A Guide to Correct Writing		147
Chapter 9: Grammar		149
§ 9.1	Basic Sentence Grammar	149
§ 9.1.1	Sentence Patterns	149
§ 9.1.2	Single-Word Modifiers	152
§ 9.1.3	Modifying Phrases	152
a.	Gerunds	153
b.	Participles	153
c.	Infinitives	154
d.	Absolutes	154
§ 9.1.4	Clauses	154
§ 9.1.5	Appositives	155
§ 9.1.6	Connecting Words	156
a.	Coordinating Conjunctions	156
b.	Correlative Conjunctions	157
c.	Conjunctive Adverbs	157
§ 9.2	Fragments	158

§ 9.2.1	Missing Main Verb	158
§ 9.2.2	Subordinate Clauses Trying to Pose as Sentences	158
§ 9.2.3	Permissible Uses of Fragments	160
	a. In Issue Statements Beginning with “Whether”	160
	b. As Answers to Questions	161
	c. In Exclamations	161
	d. In Quoted Material	161
	e. For Stylistic Effect	161
	f. As Transitions	162
§ 9.3	Verb Tense and Mood	162
§ 9.3.1	Tense	162
§ 9.3.2	Mood	166
	a. Indicative Mood	166
	b. Imperative Mood	166
	c. Subjunctive Mood	166
§ 9.4	Subject-Verb Agreement	168
§ 9.5	Pronouns	173
§ 9.5.1	Each Pronoun Should Clearly Refer Back to Its Antecedent	173
§ 9.5.2	Avoid the Use of “It,” “This,” “That,” “Such,” and “Which” to Refer Broadly to a General Idea in a Preceding Sentence	174
§ 9.5.3	Pronouns Should Refer Back to Nouns, Not Adjectives	176
§ 9.5.4	Pronoun-Antecedent Agreement	177
§ 9.6	Modifiers	181
§ 9.6.1	Misplaced Modifiers	181
§ 9.6.2	Dangling Modifiers	183
§ 9.6.3	Squinting Modifiers	185
§ 9.7	Parallelism	186
Chapter 10: Punctuation		193
§ 10.1	The Comma	193
§ 10.2	The Semicolon	209
§ 10.3	The Colon	211
	§ 10.3.1 Introduce Quotations	212
	§ 10.3.2 Introduce Lists	213
	§ 10.3.3 Set Up Explanations and Elaborations	213
§ 10.4	The Apostrophe	214
§ 10.5	Other Marks of Punctuation	216
	§ 10.5.1 Quotation Marks	216
	a. Identification of Another’s Written or Spoken Words	216
	b. Block Quotations	218
	c. Effective Lead-ins for Quotations	218
	d. Quotations Within Quotations	219
	e. Quotation Marks with Other Marks of Punctuation	220
	f. Other Uses for Quotation Marks	220

§ 10.5.2	Ellipses	221
§ 10.5.3	Brackets	224
§ 10.5.4	Parentheses	224
§ 10.5.5	The Hyphen	226
§ 10.5.6	The Dash	230
Chapter 11: Mechanics		233
§ 11.1	Spelling	233
§ 11.2	Capitalization	234
§ 11.2.1	General Rules	234
	a. Beginning of a Sentence	234
	1. Quotations	235
	2. Sentences Following a Colon	235
	b. Proper Nouns and Adjectives	236
§ 11.2.2	Miscellaneous Rules for Capitalization	241
§ 11.3	Abbreviations and Symbols	243
§ 11.3.1	General Rules for Abbreviations	243
§ 11.3.2	Miscellaneous Rules for Abbreviation	244
§ 11.3.3	Inappropriate Abbreviations	246
§ 11.3.4	General Rules for Symbols	247
§ 11.4	Italics	247
§ 11.5	Conventions of Formal Writing	250
§ 11.5.1	Use of First-Person Pronouns	250
§ 11.5.2	Use of Contractions	250
§ 11.5.3	Use of Numbers	250
§ 11.5.4	Use of Questions and Exclamations	251
Part III: A Guide to Legal Writing for English-as-a-Second-Language Writers		253
Chapter 12: Legal Writing for English-as-a-Second-Language Writers		255
§ 12.1	Grammar Rules for Non-native Speakers of English	255
§ 12.1.1	Articles	255
§ 12.1.2	Verbs	266
	a. Verbs with Auxiliary (Helping) Verbs	266
	b. Verb Tense in Conditional Sentences	270
	c. Verb Tense in Speculative Sentences	270
	d. Verbs + Gerunds, Infinitives, or Objects	271
	e. Two- or Three-Word Verbs	276
§ 12.1.3	Prepositions	277
	a. Prepositions That Follow Verbs Commonly Used in Law	277
	b. Prepositions That Follow Adjectives Commonly Used in Law	278
	c. Prepositions That Follow Nouns Commonly Used in Law	279
	d. Prepositions in Idioms	279
§ 12.1.4	Sentence Patterns in Legal Writing	279

	a.	Addition Sentence Patterns	280	
	b.	Cause/Effect Sentence Patterns	281	
	c.	Condition/Result Sentence Pattern	282	
	d.	Comparison Sentence Patterns	283	
	e.	Contrast Sentence Patterns	284	
	f.	Juxtaposition Sentence Patterns	285	
	g.	Concession Sentence Pattern	286	
	h.	Resumption After a Concession Sentence Pattern	286	
	i.	Sequencing for Emphasis Sentence Patterns	287	
	j.	Speculation Sentence Patterns	287	
§ 12.2		Rhetorical Preferences in Writing	289	
	§ 12.2.1	Cultural Assumptions About Readers and the Purposes for Writing	290	
		a.	Assumptions and Expectations in the United States and in the United States Legal Culture	290
		b.	Assumptions and Expectations in Other Cultures	296
	§ 12.2.2	Culturally Determined Patterns in Writing	298	
		a.	Preferences in the United States	298
		b.	Preferences in Other Cultures	299
	§ 12.2.3	Conciseness vs. Repetition	300	
		a.	Preferences in the United States	300
		b.	Preferences in Other Cultures	301
	§ 12.2.4	Some Final Thoughts	308	
		<i>Appendix: Quick Tips About Writing</i>	311	
		<i>Glossary of Usage</i>	345	
		<i>Index</i>	355	