

CONTENTS

Acknowledgments xiii

Foreword xv

ONE ► The Letters of the Law 1

TWO ► Fundamental Rules of Usage 15

PUNCTUATION 15

2.1 *Always use the serial comma.* 15

2.2 *Set off a dependent introductory phrase with a comma.* 16

2.3 *Put a comma between two adjectives that modify a noun similarly.* 17

2.4 *Put a comma before the second clause in a compound sentence.* 18

2.5 *Avoid using a comma to combine two sentences into one.* 18

2.6 *Form singular possessives by adding 's to the singular form of the noun.* 20

- 2.7 *Form a plural possessive by adding an apostrophe to the plural form of the noun: -s'.* 20
- 2.8 *Use a semicolon to separate sentence parts calling for a stronger break than a comma.* 21
- 2.9 *Set off incidental comments with paired marks of punctuation.* 23
- 2.10 *Hyphenate phrasal adjectives.* 24
- 2.11 *Otherwise, be stingy with hyphens.* 26
- 2.12 *Slash out virgules (/).* 28

WORD CHOICE 29

- 2.13 *Strike out and replace fancy words.* 30
- 2.14 *Challenge vague words.* 31
- 2.15 *Shun vogue words.* 32
- 2.16 *Eschew euphemisms.* 33
- 2.17 *Toss out timid phrases.* 35
- 2.18 *Discard empty dogmatisms.* 35
- 2.19 *Be cautious about using neologisms.* 36
- 2.20 *Tune the levels of usage with a fine ear.* 37

GRAMMAR AND SYNTAX 40

- 2.21 *Use the active voice.* 40
- 2.22 *Put pronouns in their proper case and number.* 41
- 2.23 *Make the verb agree in number with its subject.* 44
- 2.24 *Anchor modifiers to what they modify.* 45
- 2.25 *Split infinitives warily, if at all.* 48
- 2.26 *Don't be afraid to begin a sentence with And or But.* 49
- 2.27 *End sentences with prepositions when you need to.* 50
- 2.28 *Use conditional sentences instead of provisos.* 51

THREE ►	Fundamental Principles of Legal Writing	53
	3.1 <i>Brevity and Clarity</i>	53
	3.2 <i>Simplicity of Structure</i>	57
	3.3 <i>Organizing Arguments</i>	58
	3.4 <i>Constructing Paragraphs</i>	62
	3.5 <i>Constructing Sentences</i>	66
FOUR ►	Some Matters of Form	75
	4.1 <i>Titles</i>	75
	4.2 <i>Headings</i>	77
	4.3 <i>Italics</i>	78
	4.4 <i>Numbers</i>	79
	4.5 <i>Defined Terms</i>	80
	4.6 <i>Contractions</i>	81
	4.7 <i>First Person</i>	82
	4.8 <i>Enumerations</i>	83
	4.9 <i>Quotations</i>	84
	4.10 <i>Alterations and Ellipses</i>	86
	4.11 <i>Citations</i>	89
	4.12 <i>Footnotes</i>	92
	4.13 <i>Forms of Address and Reference</i>	94
	4.14 <i>Signing Off</i>	97
FIVE ►	Words and Expressions	
	Confused and Misused	99
SIX ►	Rhetorical Figures in Law	149
	COMPARISON	150
	6.1 <i>Metaphor</i>	150
	6.2 <i>Personification</i>	151
	6.3 <i>Simile</i>	153

WORDPLAY 154

- 6.4 *Hyperbole* 154
- 6.5 *Irony* 155
- 6.6 *Meiosis* 157
- 6.7 *Paronomasia* 157

SYNTACTIC ARRANGEMENT 160

- 6.8 *Anastrophe* 160
- 6.9 *Antithesis* 160
- 6.10 *Asyndeton* 162
- 6.11 *Climax* 162
- 6.12 *Parallelism* 163
- 6.13 *Periodic Sentence* 164
- 6.14 *Rhetorical Question* 166

REPETITION 168

- 6.15 *Alliteration* 168
- 6.16 *Anadiplosis* 168
- 6.17 *Anaphora* 169
- 6.18 *Antanaclasis* 170
- 6.19 *Chiasmus* 171
- 6.20 *Epanalepsis* 172
- 6.21 *Epistrophe* 173
- 6.22 *Epizeuxis* 173
- 6.23 *Pleonasm* 174
- 6.24 *Polysyndeton* 174

CONCLUSION 176**SEVEN ► An Approach to Legal Style 177****BEING YOURSELF 177**

- 7.1 *Develop your own plain voice.* 177

7.2 *When appropriate, invest your writing with some honest feeling.* 178

7.3 *Establish your tone and stick to it.* 179

EXPOSITION AND ARGUMENT 181

7.4 *Assume an audience of well-informed generalists.* 181

7.5 *Sharpen your reasoning by summarizing your analysis up front, with just the amount of particularity that a generalist would need.* 183

7.6 *Take pains to be thorough, and then distill the essence. Get to the point.* 188

SPEAKING LEGALLY 191

7.7 *Avoid jargon and beware terms of art.* 191

7.8 *Write in English.* 193

7.9 *Instead of using doublets or triplets, use a single word.* 195

7.10 *Understate rather than overstate.* 197

EXPRESSIVE TACTICS 198

7.11 *Put the action into verbs, not nouns and adjectives.* 198

7.12 *Stress nouns and verbs, not qualifiers.* 200

7.13 *Mind the cadence of your prose.* 201

7.14 *Use clichés with caution. And avoid purple prose.* 203

7.15 *Root out sexist language.* 207

7.16 *Forgo commenting on your words.* 213

7.17 *Ban omnibus words.* 214

7.18 *Use one word for one notion.* 215

7.19 *Ferret out ambiguities.* 217

7.20 *Revise, revise, revise.* 218

EIGHT ► A Parting Word 221

APPENDIX ► Eighty Classic Statements About Style 223

Index 241