

Style and Composition in Legal Writing spring 2003

Professor Lawson
Fridays, 2:10-3:00 p.m.

The nature of this course

This is a skills course in legal writing; its purpose is to give you the skills to write clear and sometimes even elegant legal prose. If the course succeeds, you'll emerge from it a better professional writer. The main work of the course will be studying and learning the principles of good writing in Joseph Williams's book, *Style: Ten Lessons in Clarity and Grace*. My hope is *not* that you'll all come out of the course writing in the way Professor Williams recommends, although that would be an achievement for most of us. My hope is rather that you'll develop some of the necessary skills of professional writers. If you really master the material in Williams's book, you'll have developed a set of powerful tools, tools that will allow you to make new and effective choices in the way you write. Ultimately, your writing style is something you should consciously develop over the entire span of your career. I hope that this course will enable you to begin doing that.

Most weeks you'll prepare for class by reading and doing the exercises from one chapter in *Style*. In class we'll explore the principles in that chapter and go over your practice work on them. That practice will be every bit as important as your reading and understanding, for it will cement that understanding and will help turn it into a practical skill. Toward the very end of the semester you'll spend a few weeks applying your new skills to a piece of your own writing.

Your weekly assignments during the course

Each week, for most of the semester, you must submit written answers to a required minimum number of Professor Williams's exercises in that week's reading. (Those required exercises are listed below.) You should of course attempt to complete more than these mandatory assignments, but your grade will not suffer if you do not. Here are your assignments for the semester. Not surprisingly, page number references to *Style* refer to readings and exercises from Joseph Williams's *Style: Ten Lessons in Clarity and Grace* (Longman, 7th ed. 2002); references to *Everyday* refer to Andrea Lunsford's *The Everyday Writer* (Bedford St. Martin's, 2d ed. 2001).

week 1

class: Friday, January 17th, 2:10 p.m.

Required reading: An overview of the course. *Style*, "Preface," pp. ix-xiii; and *Everyday*, "Preface," pp. vii-x. When you've read the Preface to *Everyday*, carefully study the "Quick Access Menu," on the inside front cover and its facing page, and the "Contents" on the inside back cover and its facing page.

Required exercises: —none—

week 2

class: Friday, January 24th, 2:10 p.m.

Required reading: **One: Understanding Style.** *Style*, 1-10; *Everyday*, "Organization and Presentation," 6-9, "The Twenty Most Common Errors," 9-24. These pages in *The Everyday Writer* are detailed. Review them carefully—try to understand them, but don't try to learn them.

Required exercises: —none—

week 3

class: Friday, January 31st, 2:10 p.m.

Required reading: **Two: Correctness.** *Style*, 11-29; *Everyday*, "Sentence Style," 169-191.

Required exercises: —none—

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spring 2003 syllabus

week 4class: Friday, February 7th, 2:10 p.m.**Required reading:** Chapter 3: Clarity 1: Actions, 33-52.**Required exercises:** 3.2; 3.3; 3.4, any four pairs of sentences; 3.5, any four sentences; 3.6, any two sentences in each of the three groups, ## 1-5, 6-10, 11-15 (do a total of six); 3.7, any three sentences.**week 5**class: Friday, February 14th, 2:10 p.m.**Required reading:** Chapter Four: Clarity 2: Characters, 53-75.**Required exercises:** 4.1, 4.2, any three sentences in each exercise; 4.4, any three sentences from ##1-5 and any one sentence from ##6-8; 4.6, any two sentences from each group, ##1-4, & ##5-8, (total of four sentences).**week 6**class: Friday, February 21st, 2:10 p.m.**Required reading:** Chapter Five: Cohesion and Coherence, 77-94.**Required exercises:** 5.1, both passages; 5.2, two of the three passages.**week 7**class: Friday, February 28th, 2:10 p.m.**Required reading:** Chapter Six: Emphasis, 95-111.**Required exercises:** 6.1, any three sentences; 6.2, any two of the five passages; 6.3, but don't just identify which opening sentence is best, explain why it is.**week 8**class: Friday, March 7th, 2:10 p.m.**Required reading:** Chapter Seven: Concision, 115-134.**Required exercises:** 7.1, 7.2, 7.4, any four sentences.**week 9**class: Friday, March 14th, 2:10 p.m.**Required reading:** Chapter Eight: Shape, 135-158.**Required exercises:** 8.1, 8.2, any four sentences (eight sentences total); 8.3.**Week of March 17-21, 2003**

no class: Spring Break

week 10class: Friday, March 28th, 2:10 p.m.**Required reading:** Chapter Nine: Elegance, 159-181.**Required exercises:** 9.1, 9.2, 9.3, all.**week 11**class: Friday, April 4th, 2:10 p.m.**Required reading:** Chapter Ten: The Ethics of Prose, 183-208.**Required exercises:** 10.1; 10.3; 10.8.**week 12**class: Friday, April 11th, 2:10 p.m.**Required reading:** Epilogue: Clarity to Coherence, 209-220 & Appendix: Punctuation, 221-242.**Required exercises:** A.1; A.2, both passages.

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At this point we will have completed our work in *Style: Ten Lessons*. You will spend the last two classes of the semester trying to apply these lessons to your own writing, through revising a piece of legal writing of your own. As you work to revise your own writing, be sure to save a file containing the unrevised original version of your work, for you will need to go back to it, and will ultimately need to submit it for a final grade.

week 13*due date (no class):* Friday, April 18th, 2:10 p.m.*Required reading:* —none—

Required exercises: Submit the first half of a stylistic revision of a passage that is 250 words long, not counting words in quotations, from a piece of your own legal writing. Follow the instructions below.

week 14*due date (no class):* Friday, April 25th, 2:10 p.m.*Required reading:* —none—

Required exercises: Complete the stylistic revision of the same 250-word passage that you began revising for last week's assignment. Follow the instructions below.

Week 13 revisions: clarity, cohesion, and coherence

During this week you will work on the clarity, cohesion, and coherence of the passage that you have chosen. During week fourteen you will take the same passage and continue working on it, to improve its emphasis, concision, shape, and elegance. For your final grade, you will work on *all* these aspects of a longer passage.

First, let me give you a few general instructions that apply to all three of the next assignments. Your 250- (weeks 13 & 14) and 500-word (final assignment) passages must both be drawn from the analytic section of something you have written; it must not merely describe the facts. Writing clear legal analysis is far more challenging, and I want you all to face the same level of challenge in this assignment. Second, please number all pages of each of these three assignments, even if you do the numbering by hand. Third, on some of these assignments you will edit a previous version of a passage. If you make only minor changes, please highlight those changes so that I don't have to compare the previous version and new version under a microscope to discover what you have done. You may use your word processor's redline and strikeout features to do this, if you wish, or you may use an old-fashioned colored highlighter to mark passages that have changes. If you make extensive changes, I'll want to compare the whole length of both passages carefully anyway, so it won't be important to highlight the changes. (But if I'd rather not read both *entire* passages carefully when only two sentences have changes—hence the instruction about highlighting.) Fourth, I'd like to be able to set old and new versions of these passages side-by-side when I compare them, so please put your papers together with a paper clip; don't staple them. Since you'll be numbering the pages, I'll be able to reassemble them. To allow me to set both passages side by side, it would also help if you started a new page for each successive version of a new passage, and used a font that would allow the passage to fit entirely on one page. (If that's not possible, so be it.)

Now, on to week thirteen. Use your word processor to make two copies of a passage about 250 words long, not counting words in quotations, and number each of those passages, 1 and 2. If the passage came from the middle of something you've written, and will be hard to understand without having read the beginning, write me a paragraph that gives me the background necessary to experience the passage the way someone would experience it if they had read your entire paper. Then follow the steps below, applying them to your own writing in these two copies of the passage (leave the quotations alone). Please number the pages in each of these three assignments, either on your word processor or by hand. These steps for week thirteen

require you to use everything you have learned in chapters three, four, and five. I have not repeated all of that material here, for obvious reasons, so you should probably review it before completing each step.

1. **clarity: avoiding unnecessary nominalization.** On the first clean copy of the passage, mark every nominalization in your writing in the passage by underlining them all, or italicizing them, or capitalizing them, or doing something else to highlight them. Leave any quotations alone. Beneath this marked passage, list those nominalizations; next to each nominalization, write the verb or adjective which has been nominalized to form that nominalization.

2. **clarity: the "first six- or seven-word rule".** Below the list of nominalizations, on the second clean copy of the passage, mark the subject and verb of every independent clause of every sentence. Count how many words into the sentence these come, skipping only *short* introductory phrases. Below the passage, list the count for each sentence in the passage, and put an asterisk before every sentence whose *main* subject and verb do not appear in the first six or seven words of the sentence. If you refer to your sentences by number, then go back and number them in the margins (hand-numbering is fine), so that I know which sentence you are referring to. Another way to do this would be to indicate the word count in a column to the left or right of the passage.

3. **clarity: locating characters and their actions in the subjects and verbs of your sentences.** Below the list of these word counts, revise the passage for clarity in the following way. First, look back at the nominalizations after your first passage, and make a list of the implicit actions in those nominalizations; the more concrete the action, the better. If it isn't already part of your list, write the verb that best expresses each action. Next to each verb, name the character who (or which) you think most appropriately performs (or should perform) that action, given the overall context of the passage itself. You may have to imagine some of these characters, from the context of the passage. Now, just below this list, make use of the list to write your **first full revision** of the passage, trying make the passage more clear by making your characters and their actions more concrete, better defined in your readers' minds. From your list and from the verbs and actions already in your passage, identify the most important, and ideally most concrete, characters and their actions through which to express what you mean. Express those characters and their actions as your subjects and verbs, and try to locate them in the first six or seven words of each revised sentence. Get rid of as many nominalizations as you can, keeping only those that you can articulate some special reason to keep. (See, for example, pages 61-64 of the book, "Useful Nominalizations.") At this point, put most of your effort into making each sentence clear and concrete as Professor Williams teaches you to do in chapters three and four; don't worry as much about the cohesion and coherence of the passage as a whole.

4. **cohesion: making sentences flow smoothly from one to the next.** Below this **first revision** (step 3, immediately above), analyze each sentence in it by making a two-column table, showing the information at the beginning and end of each sentence. I mean a table that is organized something like this:

	<u>beginning information</u>	<u>closing information</u>
<u>paragraph 1</u>		
sentence 1	the green snowmobile	winter sports
sentence 2	mashed potatoes	... etc.
sentence 3		
sentence 4		
etc. . . .		
<u>paragraph 2</u>		
sentence 1		
sentence 2		

sentence 3
sentence 4
etc. . . .

Feel free to prepare the table in some other way, if you can think of a way that clearly shows the information at the beginning and end of every sentence. As you complete the data entry in the table, be sure to enter the information in the exact wording that you have used in each sentence, or very close to it. Next, look at the "beginning" column, starting with the second sentence of each paragraph. (We'll assume that the first sentence is the paragraph's topic sentence; readers expect to see new information announced at the beginning of a topic sentence.) Place an asterisk next to any sentence that *begins* with information that isn't familiar to your readers. This would be information that isn't already in your readers' common knowledge, and information that you haven't already written about in an earlier sentence. For information that you have already written about in an earlier sentence, be careful here that the wording you use to express that information a second or third time is nearly the same wording that you used earlier, otherwise your reader might think you are introducing new information. Place an asterisk next to any sentence that begins with information you have already written about, but that appears in this sentence with new and distinctive wording.

Now revise those sentences which you have marked with asterisks. Reword any sentences which start with information that you have already written about, but that you have marked because the new wording differs from the old. Reword these sentences to express that familiar information in familiar terms, making it identical or nearly identical to the way you first expressed it. Rewrite the other marked sentences to make them start with familiar information. Put the revised and unrevised sentences together into your **second revision** of the paragraph. Follow Professor Williams's guidelines on cohesion in chapter five.

Finally, lay out the sentences in this **second revision** on the same kind of table, and analyze and mark the entries on the table in the same way you did for the first revision. Have you marked any sentences with an asterisk? If so, why were you unable to revise them to make them begin with familiar information? If you cannot find a good reason, try further to revise them. Once you have completed any further revision, then examine the information at the end of each sentence. Place an asterisk to the right of any row showing a sentence whose ending information is the same as the beginning information of the *very next* sentence. How many of these do you have altogether? These sentences will flow most cohesively into the next sentence of your passage.

5. **coherence:** giving the reader a sense of focus in your treatment of topics. Take this latest revision of your original 250-word passage, and mark every subject of every verb (in all clauses, independent or dependent). These are the items which readers take to be your topics. List them below the passage, and group them together. How many different topics are there in each paragraph? Each paragraph should ideally contain only a small number of topics (say, two to four), and those topics should bear some obvious and sensible relation to one another. Are they manageable in number and obviously related? State the number, and describe the relationship. Remember that if you express the same topics differently, your readers may identify them as different topics, so you should group together only those topics which are identically or very similarly worded. Reword any topics which you know to be the same, but which you have expressed differently. Make it clear from your wording that they are the same. Once you have grouped your topics together, if the number of topics is not small, or the relationship between them is not fairly plain, rewrite some ideas in some of the sentences to reduce the number of topics and give them a closer conceptual focus. If you do rewrite, follow Professor Williams's guidelines on coherence in chapter five. If revision is necessary, it will give you your **final revision** of the passage for week thirteen.

Week 14 revisions: emphasis, concision, shape, and perhaps even elegance

During the fourteenth week you will work on the emphasis, concision, shape, and elegance of the passage that you revised for week thirteen. Start this week's editing with the final revision of your 250-word passage from last week. This will be your **week fourteen initial version**.

1. **emphasis:** ending sentences properly. Make a three-column table for the sentences in this passage, similar to the table you used to work on the cohesion of your passage last week, but with different column headings. This will help you identify what should go at the end of each sentence, to achieve proper emphasis. You should lay out the table in a way that helps you identify difficult information—information that readers will digest more easily at the end of a sentence—and information that is rhetorically important. Since difficult information is usually difficult either because it is unfamiliar information or because its syntax is difficult, I'd lay the table out something like this:

<u>unfamiliar information</u>	<u>difficult syntax</u>	<u>important information</u>
<u>paragraph 1</u>		
sentence 1		
sentence 2		
sentence 3		
sentence 4		
etc. . . .		
<u>paragraph 2</u>		
sentence 1		
sentence 2		
sentence 3		
sentence 4		
etc. . . .		

(You may want to lay the table out horizontally on your page—in word processors this is often called a landscape page orientation—to fit more into each column.) When you've laid out the table, go back and number the sentences in your passage (you may do this in the left or right margin, by hand, or may number each sentence as it begins in the passage itself, like this: {1}), then complete the table by examining each sentence. For each sentence, ask yourself, would the reader find any of this information to be unfamiliar? Would the reader find any of the syntax to be difficult? Do I (the author) want to emphasize any particular information in the sentence? If you answer any question affirmatively, please enter that information on the chart, putting the exact wording from each sentence into the proper column of the table, and include all the words in difficult parts of the sentence. For some sentences, one or more cells of the table may be empty. Don't feel that you must fill them; only fill them if that sentence contains information that a reader would find difficult (because of its content or its syntax) or if it contains information that you as the author want to emphasize more than the information in the rest of the sentence. For some sentences the same information may appear in two or three cells, since it may be unfamiliar, may be expressed in difficult grammar, and may also be information that you want to emphasize.

Examine the completed table. Put an asterisk to the left of any sentence (*i.e.*, of any row of the table) in which any two columns of that row have the same material from the sentence. Put a double asterisk to the left of any sentence (*i.e.*, of any row of the table) in which *all three columns* of that row have the same material from the sentence. Then look back at the end of each sentence in your **week fourteen initial version**, and compare the corresponding original sentences to those rows marked with one or two asterisks. Does the information at the end of each sentence coincide with the material that appears in

two or three columns of the corresponding row (the material marked with two or three asterisks in your table)? If not, revise the sentence to make it end on that information which appears in two or three cells of that corresponding row of the table. If the syntax (the grammatical structure) of your sentence makes it hard to move the information to the end, try first revising the sentence for clarity (lessons 3 and 4, week 13), then see if you can move it to the end of the sentence.

Take any remaining sentences (those not marked with single or double asterisks), and examine them to make sure that they also end properly. They should end on the information in one of the three cells of their row of the table you have made. Try to make a judgment which information it is most helpful to end the sentence with, and end it that way. Then make sure it fits smoothly into the passage, linking clearly with the sentences before and after it. When you've done this as well as you can, you will have your **week fourteen first revision**.

2. **concision**: eliminating unnecessary words. Refer to the ten principles of concision with which Professor Williams ends Chapter Seven ("Summing Up," *Style*, pp. 162-164. Make ten passes through your **week fourteen first revision**, editing it down each time by applying one of these ten principles:
 - a. Delete doubled words.
 - b. Delete redundant modifiers.
 - c. Delete redundant categories.
 - d. Delete meaningless modifiers.
 - e. Delete obvious implications of what you've written.
 - f. Avoid excessive detail.
 - g. Replace a phrase with a word.
 - h. Avoid excessive metadiscourse.
 - i. Replace negatives—including indirect ones—with affirmatives.
 - j. Find the proper balance of hedges and emphatics.

Thus, on your first pass through the paragraph, you should read each sentence closely and ask yourself as you read it, "Are there any doubled words?" If so, eliminate one of them. Continue nine more times, trying each time to search each sentence for one kind of wordiness. If you have trouble, each of these principles is explained more fully in chapter seven. Redo your edited paragraph as your **week fourteen second revision**. These ten steps are for your benefit alone; you don't need to give me ten different versions of the passage as you progress through the ten steps. A single **week fourteen second revision** will be sufficient.

3. **shape**: avoiding sprawling and choppy sentences. To avoid sprawling sentences, you want to get your reader quickly to the underlying sentence structure of subject, verb, and object in your main clause. Employ another table to analyze each sentence in your **week fourteen second revision**. Lay out the table like this:

subject	verb	object (or complement)	count
<u>paragraph 1</u>			
sentence 1			
sentence 2			
sentence 3			
sentence 4			
etc. . . .			
<u>paragraph 2</u>			
sentence 1			

sentence 2
 sentence 3
 sentence 4
 etc. . . .

Enter a notation (exact wording doesn't matter as much here) of the subject, verb, and object of the main clause of each sentence. Count how many words it takes you to get to the object, and enter that number in the right-hand column. If the object is a phrase, count all the way to the main word in the phrase. Include introductory words and phrases in this count. Put an asterisk to the left of any row (any sentence) with a count greater than ten words in the right-hand column. For any sentence marked with an asterisk, rewrite the beginning of the sentence to express the same ideas in a way that gets more quickly to that underlying S-V-O structure. For any main clauses not having an S-V-O structure, try to do something similar, getting the reader quickly to the subject and its predicate. Recombine these revised sentences with the others into your **week fourteen third revision**.

Avoid choppy sentences by varying sentence length, and by extending sentences carefully. Reread your **week fourteen third revision**. Do any passages seem choppy? (That is, do they have too many short sentences, packed too closely together?) Do any sentences simply peter out? If your sentence length doesn't have much variety, extend your longer sentences with coordination and with running modifiers (resumptive, summative, and free modifiers). See chapter 8, *Style*. When you finish, you'll have your **week fourteen fourth revision**.

4. **elegance**: using rhetorical techniques to achieve memorable effects. I can't tell you how to write memorably (can anyone?), but you can try for some of the stylistic effects discussed in chapter 9 (*Style*, pp. 191-216). Take two or three sentences which seem particularly important to you, and which seem to carry a lot of the weight in your **week fourteen fourth revision**. Try to use one or more of the techniques from chapter 9 to make those sentences more striking:
- a. Judiciously use repetition, balance, and antithesis.
 - b. Carefully build tension and resolve it.
 - c. End sentences with elegant stress.
 - d. Use sentence length to achieve specific effects.
 - e. Use—but don't overuse—metaphor to convey insights.

Professor Williams explores these techniques in more detail in chapter 9. You needn't try all five of them. Perhaps one or two of them will seem more useful in the particular sentences which you have chosen to stylistically heighten. With each attempt at making the sentence memorable, please explain why the sentence seemed important in the passage, what particular technique you used to try to make it more memorable, more striking, or more elegant, and whether you think it improved the sentence, in your judgment.

Final revision: achieving all the stylistic goals of the course

For your final graded work, you must select a different passage about 500 words in length, not counting words in quotations. (This is usually about two pages, double-spaced. Don't try to squeeze it onto a page—double-spacing is easier for me to mark.) You may select it from the same piece of legal writing as the 250-word passage that you edited during weeks thirteen and fourteen, or from a different piece of legal writing. Give me a copy of the original unedited version of the passage (mark it "original unedited version"), followed by its revision (mark it "final revised version"), revising it in the way you revised the 250-word passage which you revised during weeks thirteen and fourteen. As you did in weeks thirteen and fourteen, leave any quotations alone (and don't include them in your word count). If you want, you may submit only the original passage and its finished revision, but I would encourage you to revise this passage through the same steps

you used for week thirteen's and week fourteen's assignments. If you write out all the steps as you did in weeks thirteen and fourteen, and submit the passage laid out in that same way, I'll give you some credit—a maximum of two bonus points (see below, *grading*)—for the carefulness of your effort, even if I don't think you fully achieved the goals of each of those steps. If you submit only the finished passage, I will only be able to grade the success of your finished product. (If that finished passage very successfully realizes the editing goals which I set for you in weeks thirteen and fourteen, it may still receive a perfect score. If your finished passage isn't completely successful, but you lay out all the steps from weeks thirteen and fourteen, I will add points for the carefulness of your effort, but it still won't receive the *highest* possible score.)

As I requested before, please number all pages, whether by hand or on your word processor. Even if you write out all steps, as you did in weeks 13 and 14, please begin the final assignment with a copy of the original unedited version of the passage, followed by its final revised version. Immediately after each of these two versions, please give me the word count of each. As I requested before, if the passage came from the middle of something you've written, and will be hard to understand without having read the beginning, write me a paragraph that gives me the background necessary to experience the passage the way someone would experience it if they had read your entire paper. If at any point in the assignment, you consciously decide to depart from Professor Williams's suggested principles of revision, feel free to explain why you made that decision.

Grading

weekly exercises: I will grade each of your weekly exercises during weeks four through twelve on a 0-2 point scale:

- 0 not submitted or not substantially complete
- 1 complete, but not a serious effort
- 2 a serious effort

This will make up 18 points of your grade for the class.

weeks thirteen and fourteen: I will grade your last two weekly exercises—your revisions of a 250-word passage from your own legal writing—on a 0-5 point scale, for an additional 0-10 points in the course. To award these last two weekly grades, I'll use the 5-point scale to reflect the following judgments about your work:

- 0 not submitted or not substantially complete
- 1 almost no success achieving this week's stylistic goals (stated above)
- 2 only limited success achieving this week's stylistic goals
- 3 average (acceptable) achievement of this week's stylistic goals
- 4 very good—room for some improvement, but clearly above average
- 5 excellent—very little room for improvement in achieving this week's stylistic goals

final paper: I will grade your final paper primarily on the basis of the degree to which I judge that you have achieved the goals of each of Williams's lessons, and secondarily on the carefulness of your effort. As I mentioned above, I can only take your apparent effort into account if you submit your final paper laid out in the series of steps you went through for weeks thirteen and fourteen. Because this is an exercise in revision, I would like you to submit with your paper a copy of the unedited original version of the 500-word passage that you select, whether or not you submit all the steps of editing it, as I suggest above. These will be due during the first week of finals, exactly one week after your week fourteen assignment:

final revision, 500-word passage: Friday, December 13th, 2002, 4:00 p.m.

You should submit these to my secretary, Vida Eden, on the North side of the second floor. Vida usually leaves the office promptly at 4:00 p.m., so a few minutes delay may make it impossible for you to submit a paper on the day it is due.

I will score these final revisions on a 0-12 point scale, with similar values to the scales above, with a 0 indicating a revision not submitted or not substantially complete, and a 12 indicating an outstanding paper, written in a memorably effective style. There will be forty (40) possible points for your total raw score in the class.

Attendance

I will take attendance daily by sending around a sheet on which to sign yourself in for that day's class; attendance is mandatory at all classes. To save myself a lot of work granting permission for justified absences, I have adopted the following attendance policy. You may miss two classes before I will question any absence—in fact, I won't even listen if you come with an excuse; your first two absences are your own business. On the third absence you must give me documented good reasons justifying your having missed **every one of the three classes you missed**. If you cannot document a good excuse for **all three** missed classes, your grade for the course will be reduced by one grade point on our nine-point grading scale. Even if your first three absences are excused, every succeeding unexcused absence thereafter will result in a one-point grade reduction. Finally, if you have more than four absences—even if most or all of them are excused—you will be removed from the course.