

Megan E. Boyd

Legal Writing Style (3d ed). By Antonio Gidi and Henry Weihofen. West Academic Publishing, 2018. Pp. 304, \$46.

Professor Henry Weihofen’s *Legal Writing Style* hornbook was first published in 1961 during the “pre-history of modern legal writing.”¹ It was updated in 1980 without much substantive change but has finally been brought into legal writing’s modern age by Antonio Gidi. The third edition is premised on the belief that effective legal writing is “reader-centered,”² aimed at a particular audience, and written in a style “that the reader will notice the least.”³ The text promises — and delivers — not just the “mechanical rules of thumb” but also the “intellectual framework needed to identify and produce superior prose.”⁴

Legal Writing Style draws from timeless writing resources, including Fowler’s *A Dictionary of Modern English Usage* and Strunk and White’s *The Elements of Style*, and canonical legal-writing works, such as Mellinkoff’s *The Language of the Law* and Garner’s *The Elements of Legal Style*. The text is organized into seven substantive chapters: “Precision,” “Conciseness,” “Simplicity,” “Clarity,” “Forcefulness,” “Organization,” and “A Touch of Eloquence.”

Accuracy should be the “first aim”⁵ of legal writing because lawyers must “write more precisely than almost anyone else.”⁶ As you’d expect, the “Precision” chapter is about learning to say what you mean and contains advice on choosing the correct word

¹ Antonio Gidi & Henry Weihofen, *Legal Writing Style* v (3d ed. 2018).

² *Id.* at 5.

³ *Id.*

⁴ *Id.* at v.

⁵ *Id.* at 61.

⁶ *Id.* at 9.

(Do you mean *tenable* or *tenuous*?) and repeating key words for consistency. This chapter also offers a list of “words to watch” — that is, words that either are easily confused with other words (*disinterested* and *uninterested*) or are weak or imprecise, like *factor*, *consideration*, and *notion*.

Conciseness, the “second aim”⁷ of legal writing, involves learning to “convey the greatest quantity of thoughts with the smallest quantity of words.”⁸ This chapter offers suggestions for avoiding “pointless repetition” (phrases like *separate and apart*), wordy expressions, and tautologies. The chapter’s extensive lists of commonly used but flabby phrases are especially helpful for those interested in tightening their writing.

The “Simplicity” chapter is, as its title suggests, about writing simply and helps readers learn to choose “short, simple words” over “overused, pretentious, or stuffy”⁹ ones, while the “Clarity” chapter offers solid usage advice, such as keeping modifiers close to the words they modify and ensuring that pronouns have clear antecedents.

Offsetting the negative effects of reader fatigue should be a serious concern for legal writers. The “Forcefulness” chapter contains sections on avoiding “exaggerated adjectives and adverbs”¹⁰ and choosing action verbs and affirmative assertions instead.

“[W]riting is ‘thinking at its hardest,’”¹¹ and chapter 7, “Organization,” helps writers order their thoughts. Suggested tips from this chapter:

- follow an outline;

⁷ *Id.* at 61.

⁸ *Id.* (quoting Herbert Spencer, “The Philosophy of Style,” reprinted in Lane Cooper, *The Art of the Writer: Essays, Excerpts, and Translations* 260 (1952)).

⁹ *Id.* at 102.

¹⁰ *Id.* at 159.

¹¹ *Id.* at 197 (quoting Roger J. Traynor, *Some Open Questions on the Work of State Appellate Courts*, 24 U. Chi. L. Rev. 211, 218 (1957)).

- write sentences that try to do only one thing, rather than several things;
- keep most sentences short, but vary sentence length to add interest;
- use transitions to signal the relationships between sentences; and
- keep paragraphs short and organize them by using topic sentences.

Eloquence can be difficult to achieve in legal writing, but *Legal Writing Style*'s final substantive chapter aims to help lawyers "express . . . idea[s] with grace and elegance."¹² This chapter draws on literary style to guide readers on the use of techniques such as alliteration and rhythm, and discusses ways to effectively use reiteration and antithesis to advance arguments.

Numerous sections in *Legal Writing Style* have helpful reference charts with suggested changes, such as those for wordy phrases (replace *notwithstanding the fact that* with *although*) and weak verbs (choose *must* over *have an obligation to*). The index is especially useful because it references these common lawyerisms, rambling phrases, and less-than-stellar word choices and enables the reader to locate the precise section in which a recommended revision is offered.

Most of the advice in the third edition of *Legal Writing Style* can be found in other legal-writing texts, but several sections stand out, such as the section on "Arranging Words for Emphasis," which contains suggestions for avoiding weak, one-syllable words at the ends of sentences and placing subordinate or harmful information where it will be de-emphasized. I am also pleased that the newest edition adds a section on the importance of

¹² *Id.* at 233.

gender-neutral language and a substantial discussion on *they* and *it* as gender-neutral singular pronouns.

Legal Writing Style is notable — and worth the investment — for its hundreds of examples of good writing by legal professionals (Chief Justice Roberts and Justice O’Connor), famous historical figures (Abraham Lincoln and Winston Churchill), and novelists and poets (Henry David Thoreau and A.E. Housman). And writing tips and suggestions from great writers, such as Maya Angelou and Joyce Carol Oates, add interest, as do fun tidbits, asides, and quotations from sources that aren’t usually quoted in serious works on writing, such as Ralph Nader, Groucho Marx, and Antoine de Saint-Exupéry (author of *Le Petit Prince*).

Like most treatises, *Legal Writing Style* isn’t a text you’d read cover to cover. But legal writers would do well to pick it up for specific questions, as a refresher on the finer points of legal writing, and to inspire them to hone their craft.