

## From the Editor

Despite my civil-litigation background, I can't resist giving my writing students the occasional armed-robbery problem. In Michigan (and in many other states, I dare guess), a person can be guilty of armed robbery even if unarmed. That's classic 1L fodder, if you ask me. But another draw has been the governing statute's ungainly text — a natural prompt for discussion on whether legal writing has to be bad to be good:

A person who engages in conduct proscribed under section 530 and who in the course of engaging in that conduct, possesses a dangerous weapon or an article used or fashioned in a manner to lead any person present to reasonably believe the article is a dangerous weapon, or who represents orally or otherwise that he or she is in possession of a dangerous weapon, is guilty of a felony punishable by imprisonment for life or for any term of years.

I've seen worse. So have you. But . . .

Last week, while preparing a brand-new Case of the Unarmed Armed Robber, I discovered that the Michigan Legislature had cleaned up the statute in 2020, using a much-needed vertical list:

- (1) A person who engages in conduct proscribed under section 530 and who in the course of engaging in that conduct does any of the following is guilty of armed robbery:
  - (a) Possesses a dangerous weapon.
  - (b) Possesses an article used or fashioned in a manner that would cause a reasonable person to believe the article is a dangerous weapon.
  - (c) Represents orally or otherwise that he or she possesses a dangerous weapon.<sup>1</sup>

I applaud the lawmakers and legislative drafters behind this amendment, which, other than one substantive element, was “of

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<sup>1</sup> Mich. Comp. Laws § 750.529.

an editorial nature for clarity.”<sup>2</sup> Perhaps it’s a small change in the grand scheme of things. After all, it’s just one subsection of one statute. But it’s a statute that (unfortunately) gets heavy traffic. And for anybody pushing for legal reform through improved legal writing, these changes are worth celebrating — and fighting for.

And so it’s been since Scribes’ founding. Our 1953 constitution’s stated goals included “promot[ing] a clear, succinct, and forceful style in legal writing.”<sup>3</sup> I suppose this makes Scribes anti-status quo, and the *Scribes Journal* has arguably made the strongest push against our profession’s inertia. In his “From the Editor” piece in 1990’s inaugural volume, founding editor Bryan Garner announced the *Journal*’s mission:

Our touchstone has been to produce a journal that not only informs but also pleases, because writing that goes unread has no impact. With the *Scribes Journal* we hope to promote better writing in and about law.

I’d like to think that the *Journal*’s impact has been real and that it continues. At the very least, I hope that its content has pleased our members.

It’s sometimes editorially challenging to assess which themes or messages are fresh for a journal that promotes better legal writing. Many salient points have appeared repeatedly, if in slightly different permutations. And yet our authors have made their calls for improved style in unique voices and from unique perspectives.

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<sup>2</sup> H. Fiscal Agency Leg. Analysis, Report on Senate Bill No. 533, 2020 Reg. Sess., at 1 (Sept. 12, 2020), <http://www.legislature.mi.gov/documents/2019-2020/bill-analysis/House/pdf/2019-HLA-0533-8FC80C43.pdf>.

<sup>3</sup> Thomas M. Steele & Norman Otto Stockmeyer, *Scribes After More Than 50 Years — A History*, 12 *Scribes J. Legal Writing* 2 (2008–2009) (quoting Art. 1 of the Scribes constitution).

The same is true for this volume. In the pages to follow, you'll hear from:

- a federal appellate judge;
- a professor whose instructional videos feature, among other luminaries, Zinsser, Picasso, and the Chipmunks;
- a former state appellate judge and four-time Burton Award winner;
- a former big-city real-estate lawyer turned academic, who teaches the law and literature;
- an assistant U.S. attorney general who specializes in white-collar crime;
- a big-firm law librarian who's a bona fide typography junkie;
- a class-action specialist who moonlights as a novelist;
- a plain-language advocate instrumental in redrafting two (soon to be three) sets of federal rules;
- a corporate attorney who's been known to read *The Bluebook* on the D.C. Metro, drawing bewildered glances from other lawyer-commuters;
- an administrative magistrate who has clerked for high-court judges in two countries;
- a law professor who authored a book on presidential writing style;
- a former medical-school dean and library director who teaches remedies and legal writing; and
- a New Orleans appellate specialist who plays the blues.

As I said, unique voices, unique perspectives. An eclectic group and an eclectic volume — just as it should be. And a fitting final volume for me as editor in chief.

I will remember so many things fondly from my six volumes at the helm (and three as an associate editor). I've loved every

minute of working with our talented authors. They've been a who's who of legal writing — and they've been uniformly wonderful.

I can't thank the other *Journal* editors enough, both the brand-new and the long-serving. I don't dare name one at the expense of another, though I must add one special note. When my mind replays my time as editor in chief, I'll surely recall the many transcontinental crunch-time emails with senior editor and predecessor Joe Kimble (Phoenix), copyeditor extraordinaire Karen Magnuson (Portland), and associate editor/typographer Brad Charles (Detroit). So many little things go into getting a big thing right (or as right as we can possibly get it).

This is a publication like no other. Thank you, Scribes members, for supporting me in this grand journey.

— Mark Cooney