BOOK REVIEW

LEGAL WRITING: GETTING IT RIGHT
AND GETTING IT WRITTEN. By M. Ray
and J. Ramsfield.

St. Paul, MN: West, 1987. Pp. xxxii + 250

Reviewed by Ruth C. Vance*

Legal Writing: Getting It Right and Getting It Written[1] is
a legal writing aid that is in a class by itself. This book does
not fall neatly into the five predictable classifications of legal
writing texts: those on legal research, those devoted to brief
writing and oral argument, those on how to take law
examinations and brief cases, those aimed at polishing
grammar and style, and those that treat the subject generally.[2]
While there is still no single text that will completely cover
any legal writing course, the references in *Legal Writing*
obviate the need for a grammar and style book and also bridge
the gaps found in the other types of books. *Legal Writing* is a
ready reference for practitioners as well as students. Anyone
who has taught legal writing will recognize that this book has
been written by those who have had experience with student
writing. Someone has finally taken the time to compile useful
solutions to the problems encountered so frequently in legal
writing.

This new reference book does for legal writing what the
Bluebook[3] does for legal citations. The alphabetical master list
of entries reads like a list of all the common errors, problem
areas, and questions of legal writers. Entries such as

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1. Subsequently referred to as *Legal Writing*.

2. Carrick & Dunn, *Legal Writing: An Evaluation of the Textbook Literature*, 30
N.Y.L. SCH. L. REV. 645, 649 (1985).

3. A UNIFORM SYSTEM OF CITATION (14th ed. 1986) (commonly referred to as the
BLUEBOOK).

"Deadlines, Meeting Them,"[4] "Bending the Rules,"[5] and "Quotations, When to Use?"[6] are examples of problems legal writing professors have been dealing with for years, yet traditional legal writing texts have remained largely silent in these areas. The breadth of entries and their usefulness make *Legal Writing* a book that law students will refer to long after their school days are over.

By scanning the master list of entries at the beginning of the book, readers can appreciate the comprehensiveness of *Legal Writing.* No other single text combines mechanics, composing tips, and legal concepts. Legal writers can quickly look up "Due To,"[7] a frequently misused term, to determine its correct usage. They can consult "Argument Section"[8] to see the elements of that portion of the appellate brief, and then refer to "Persuasive Writing"[9] for advice on communicating those arguments. The same book discusses "Standard of Review"[10] and how it should be treated in the appellate brief. *Legal Writing*'s reference book style makes it adaptable to any legal writing course format.

The alphabetical master list of entries[11] is one of several features that make *Legal Writing* easy to use. Unfortunately, there are no page references for the entries in the master list. Entries are arranged alphabetically in the book, so readers must flip through the pages until they find the desired entry. Use of a different typeface in the entries distinguishes examples from remarks and instructions. The master list and the entries themselves provide ample cross-references. Also, any term used in any entry that is the subject of another entry is capitalized.

Legal Writing is full of good examples of right and wrong approaches to legal writing. The entry on "Perfectionism"[12] warns against stifling creativity by striving to perfect each sentence while writing the first draft. The writer is encouraged to save perfectionism for the final stages of the

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4. M. RAY & J. RAMSFIELD, LEGAL WRITING: GETTING IT RIGHT AND GETTING IT WRITTEN 57-58 (1987) [hereinafter M. RAY & J. RAMSFIELD].
    5. *Id.* at 24-25.
    6. *Id.* at 172.
    7. *Id.* at 61-62.
    8. *Id.* at 15-16.
    9. *Id.* at 146-49.
    10. *Id.* at 208.
    11. *Id.* at xxi-xxxii.
    12. *Id.* at 141-42.

writing process. In "Paragraphs"[13] the authors take a long, complex paragraph and show how to revise it for clarity by breaking it into two paragraphs with topic sentences that state the point of each paragraph at the outset. In addition, references are given to other books that will provide the reader with more detail on a certain topic.[14]

The authors lay the groundwork for writing by emphasizing a focused research strategy, and they also suggest a definite plan to obtain a finished written product. The "Research Strategy Chart"[15] that the authors have developed provides ten steps to follow whenever researching a problem. As in good legal writing, the steps in this and all entries recommend concrete actions and are not merely abstract suggestions. The steps are also illustrated by examples. The "Research Strategy Chart"[16] advises researchers to complete the first five steps of legal writing, which are collecting facts, analyzing facts, formulating a preliminary issue statement, verifying the jurisdiction, and making a research plan, before going to the library.[17] The authors suggest a formula for writing the preliminary issue statement using the key words "under," "did," and "when" to ensure that the general legal category involved, the specific legal question, and the legally significant facts will be included.[18] The authors' preliminary issue statement, "[u]nder Missouri assault law . . . did Fred assault Harvey . . . when he waived an unloaded gun in Harvey's face . . .?" is the example given using this formula.[19]

Once research is complete, writers can implement what *Legal Writing* terms the "Writing Process,"[20] which is made up of the stages of "Prewriting,"[21] "Writing,"[22] "Rewriting,"[23] "Revising,"[24] and "Polishing."[25] The entries for each of the stages of the process provide checklists to get writers through

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13. *Id.* at 134-35.
14. For example, under "Application" the reader is directed to P. SCHLAG & D. SKOVER, TACTICS OF LEGAL REASONING (1986) for further detail.
15. M. RAY & J. RAMSFIELD, *supra* note 4, at 179-83.
16. *Id.*
17. *Id.* at 179-80.
18. *Id.* at 180.
19. *Id.*
20. *Id.* at 247-49.
21. *Id.* at 158-59.
22. *Id.* at 246.
23. *Id.* at 184-86.
24. *Id.* at 183-84.
25. *Id.* at 153.

that stage. In addition, entries such as "Getting Started,"[26] "Writing Block,"[27] "When to Stop,"[28] "Procrastination,"[29] and "Deadlines, Meeting Them"[30] make positive suggestions to the most frustrated legal writers. For example, the entry entitled "Writing Block"[31] suggests that writers can break a project into smaller sections that can be worked on in any order.[32]

Inexperienced legal writers or attorneys who want a reminder can consult entries on legal concepts such as "Dicta,"[33] "Holdings,"[34] "Procedural or Substantive?,"[35] or "Standard of Review."[36] Entries on legal concepts define the term and, where appropriate, suggest application to different types of legal writing.[37]

While revising, writers can also quickly refer to *Legal Writing* for answers to mechanical questions. The authors provide concise substitutes for wordy phrases,[38] identify transitions by their functions,[39] and suggest proper word choices for formal writing.[40] In addition to the usual entries found in grammar and style books, *Legal Writing* suggests avoiding misspellings by carrying an alphabetical list of the words usually missed and looking the word up each time it is written.[41] It is this type of practical advice that will assure *Legal Writing*'s frequent use.

Illustrative of the detail found in many entries is the one

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26. *Id.* at 80-81.

27. *Id.* at 246-47.

28. *Id.* at 240-42.

29. *Id.* at 161-62.

30. *Id.* at 57-58.

31. *Id.* at 246-47.

32. The authors assure their readers that all writers suffer from writing blocks and suggest that feeling overwhelmed and feeling that writing must achieve perfection are the usual causes of writing blocks. In addition to the suggestions in this entry, the writer is referred to other entries such as "Getting Started," "When To Stop," and "Perfectionism." *Id.*

33. M. RAY & J. RAMSFIELD, *supra* note 4, at 59.

34. *Id.* at 83-84.

35. *Id.* at 161.

36. *Id.* at 208.

37. For instance, in the "Standard of Review" entry the authors remind writers to state the standard of review for each issue in the appellate brief and to place that discussion immediately after each point heading that begins a new major section. *Id.*

38. *See, e.g.,* M. RAY & J. RAMSFIELD, *supra* note 4, at 17-18, 41, 49-51, 62, 68, 71, 88, 91, 119, 161, 175, 216, 225, 227-28, 238, 245.

39. *Id.* at 223.

40. *See, e.g., id.* at 6-7, 18, 29, 42, 55, 64, 70, 92, 96, 107, 200-01, 244-45.

41. *Id.* at 106-07.

entitled "General Correspondence Letters."[42] The authors
acknowledge that writers take too long deciding how to begin
and organize each letter.[43] The authors identify four types of
letters: "(1) letters delivering information the reader
requested, (2) letters delivering information the writer needs
the reader to have, (for-your-information, or FYI letters),
(3) letters delivering bad news, and (4) letters trying to
persuade the reader to do something."[44] The authors lay out
an organizational scheme for each of the four types of letters
and also give suggestions for ways to begin them[45] so that
letter writers can save time.[46] Each organizational scheme is
complete with examples. The authors instruct writers even
further by giving a method for deciding what type of letter is
contemplated.[47] Once the writers have identified the type of
letter being sent, they can follow the proper organizational
scheme. If the information given in this entry is not sufficient,
there are cross-references to entries that will be helpful for
certain types of letters. "Tough, Sounding That Way"[48] and
"Requests For Payment"[49] are two particularly useful
examples.

The authors also carefully examine the notion of tone, a
difficult concept to convey in the classroom. Because tone
creates an impression on the reader, writers are cautioned
always to sound professional. The authors break tone down
into three elements that writers must keep in mind:
"(a) choosing the appropriate tone, (b) creating that tone
through word choice and sentence structure, and (c) keeping
the tone consistent."[50] The discussion of each element contains
tips and examples that an instructor could use as an aid in
teaching tone.

Because the master list of entries includes many items
that readers may not expect to find, skimming the list before
using the book is advisable. For example, the authors
realistically give guidance for the judicious use of form books

42. *Id.* at 73-79.
43. *Id.* at 73.
44. *Id.*
45. *Id.* at 120-21.
46. *Id.* at 73-76.
47. *Id.* at 73.
48. *Id.* at 222-23.
49. *Id.* at 178-79.
50. *Id.* at 77-79; *see also id.* at 216-21.

instead of issuing a blanket rule banning their use.[51] Lawyers and legal writing instructors alike should be delighted with the suggestions given on how to relay and soften bad news through the use of sentence structure and word choice.[52] *Legal Writing* even contains entries on computer research[53] and oral presentations,[54] which do not deal directly with writing but are important components of any legal writing and research course.

Instructors can encourage student use of *Legal Writing* in several ways. The instructive entries make good class reading assignments and provide examples for class discussion.[55] Instructors may wish to make reference to an entry in the comments on a student paper instead of rewriting the rule on several papers. This book, better than any other, anticipates the problems instructors have found to be common among legal writers and gives relevant, useful solutions in a non-threatening manner. Students should not mind referring to *Legal Writing* because it is easy to use. The index located in the front of the book uses common titles for the entries with plenty of cross-references. Additionally, students will quickly appreciate *Legal Writing*'s readability when they see what a help its entries on citations, footnotes, and signals[56] are in understanding the complex Bluebook[57] rules of citation. Once the students discover how *Legal Writing* can comfortably unlock the mysteries of legal citation, they are apt to turn to its other entries for help in solving other legal writing problems. Moreover, *Legal Writing* will be used because it is neither stuffy nor dull. For example, in "Persuasive Writing"[58] the authors remind legal writers not to overdo persuasive techniques:

> If you tend to overdo, use Marilyn Monroe's technique to solve the problem. This may be apocryphal, but it has been said that Marilyn tended to overdo it on accessories when she dressed up. To compensate for this, she kept a full length mirror in her entry. Before she left the house, she

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51. *Id.* at 71-72.
52. *Id.* at 19-23.
53. *Id.* at 48-49.
54. *Id.* at 125-26.
55. *See, e.g., id.* at 146-49 (discussion and examples for "Persuasive Writing").
56. *Id.* at 35-40 (citations), 70 (footnotes), 203-04 (signals).
57. *See supra* note 3.
58. *See supra* note 55.

would walk away from the mirror and then turn quickly to look at her image. She would then take off the first accessory that caught her eye. Similarly, as you read over your last draft of a persuasive piece, take out the most obvious persuasive tools you have used. After all, it worked for Marilyn. Few would have called her overdressed.[59]

The entries are designed for use by practicing attorneys as well as by law students. Attorneys will find *Legal Writing* useful for drafting general correspondence letters,[60] settlement letters,[61] jury instructions,[62] contracts,[63] and wills.[64] There is even an entry on mastering the art of dictation.[65] Instructors, teaching assistants, law review editors, and note writers will profit from studying the suggestions under the entry entitled "Editing Other People's Writing."[66]

Although *Legal Writing* covers a broad spectrum of topics quite well, there are a few minor additions that would improve the next edition. The "Capitalization"[67] entry has several examples, but an example for the often mis-capitalized word "court" should be included. Also, a cross-reference to "Analysis" would be useful for the entry the authors have entitled "Application."[68] The title "Application" is itself essentially nondescriptive. The entry explains that application means that the facts of a client's case must be applied to a rule of law in legal writing.[69] That process is also known as analysis. Thus, cross-referencing "Application" with one or two other terms would make it easier to find this important entry.

A few other minor problems are worth mentioning. Although animals are not frequently the subject of legal writing, there is an entry on "Animals, Are They He, She or It?"[70] The same type of problem is more often encountered when talking about a court or corporation. A similar entry such as "Courts and Organizations, Are They Them, They, or It?"

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59. *Id.* at 149.
60. *Id.* at 73-79.
61. *Id.* at 199-200.
62. *Id.* at 93-95.
63. *Id.* at 54-55.
64. *Id.* at 243-44.
65. *Id.* at 59-60.
66. *Id.* at 62-63.
67. *Id.* at 29-30.
68. *Id.* at 14-15.
69. *Id.*
70. *Id.* at 12.

would be helpful. Finally, the entry on "Rules"[71] discusses synthesizing elements of several cases to arrive at a legal rule. Synthesizing is an important concept because it is much of what lawyers are called upon to do; yet it does not receive treatment in a separate entry. In all, however, *Legal Writing* is amazingly complete for a first edition.

Some critics may think *Legal Writing* over-ambitious in trying to cover so many topics in 250 pages, but *Legal Writing* does not pretend to have all the answers. The authors present many differing viewpoints on an issue, make a recommendation, offer guidelines, and mention other places to seek answers. *Legal Writing* should put an end to the complaint that reference books are too general, too difficult to use, and cannot be applied to a particular situation. *Legal Writing* is a surprisingly complete reference book and deserves a place beside *Black's Law Dictionary* and the *Bluebook*[72] on lawyers' and law students' shelves.

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71. *Id.* at 186-87.
72. *See supra* note 3.