

One for the Books

Legal Writing Volume Offers Entertainment With Practical Advice for Better Prose

Garner on Writing and Language

By Bryan A. Garner

American Bar Association, Chicago, 2007, 735 pages, \$59.95

It's big — 735 pages to be exact. It's heavy — 2 pounds, 5 ounces, to be exact. It's about the size of a cinderblock. Believe it or not, it's a nineteen-chapter book about legal writing that is extremely interesting and, of course, well-written. It's Bryan A. Garner's tome *Garner on Writing and Language*.

Of course, I am aware that most lawyers would do almost anything to avoid reading a book about legal writing and legal language. After all, books like this are dry and often nothing more than steroid-laced treatises on legal grammar. Garner's book is different. It is educational *and* entertaining, and will help attorneys improve their writing skills.

For those who do not know, Garner is the editor-in-chief of *Black's Law Dictionary* and numerous other best-selling books about legal writing. He is also a sought-after lecturer who is able to convey the importance of quality legal writing, and his writing seminars, offered through bar associations and his company, LawProse, Inc., are extremely popular. With *Garner on Language and Writing*, a compilation of more than 100 of his essays on writing, language and style, Garner has created a reference work that is not only worth reading but worth keeping in every law library.

The book begins with six vignettes, after which Garner explains why he devoted his

career to legal writing. He follows the vignettes with "The Mad, Mad World of Legal Writing," an "Introductory Essay" (really a speech he presented in 2000) that provides insight into the author and the essays that fol-

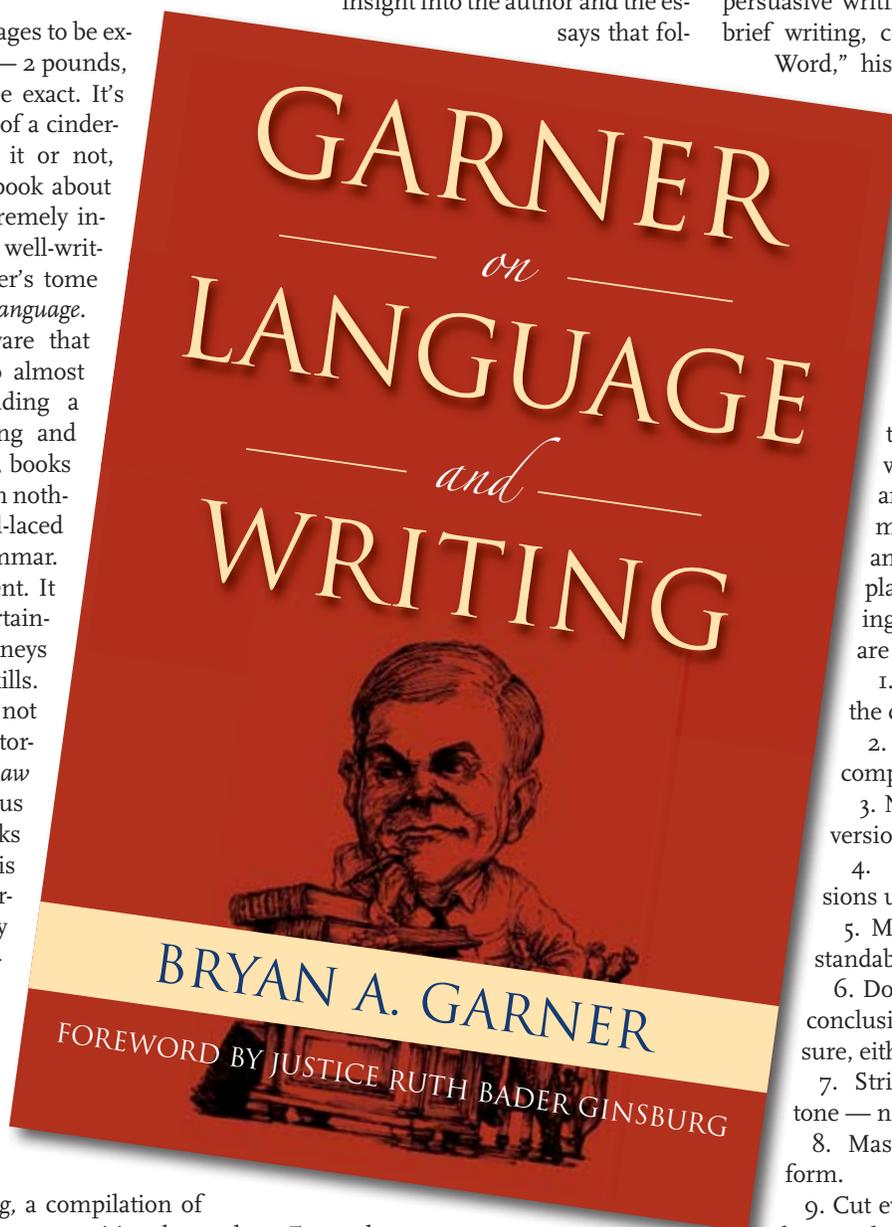
low. From there, the reader begins a journey that covers every aspect and type of legal writing. Garner's first chapter, "Learning to Write," is a must-read for all lawyers, including law students who often believe incorrectly that success as a lawyer requires them to disregard everything they were taught and to begin lacing sentences with heretofores and other useless words. In essence, "Learning to Write" is a plea to lawyers to change how they think about their writing with the goal of writing more efficiently. From there, Garner includes a series of chapters focusing on every aspect of legal style, including persuasive writing, legal language, writing in practice and citations. Garner also includes essays about grammar and usage, as well as persuasive writing, legislative drafting and brief writing, concluding with "The Last Word," his desire that legal style be

treated with the same level of respect as legal substance.

Garner's writing is consistently entertaining and never preachy. As a result, readers who dare to pick up the book will find that they have trouble putting it down. Unlike the stilted legalese so common today, Garner's words flow with a style and grace that are commonly absent from most legal writing. For example, Garner offers and explains his "Ten Tips for Writing at Your Law Firm," which are not tips, but essentials:

1. Be sure you understand the client's problem.
2. Don't rely exclusively on computer research.
3. Never turn in a preliminary version of a work in progress.
4. Summarize your conclusions up front.
5. Make your summary understandable to outsiders.
6. Don't be too tentative in your conclusions, but don't be too cocksure, either.
7. Strike the right professional tone — natural but not chatty.
8. Master the approved citation form.
9. Cut every unnecessary sentence; then go back through and cut every unnecessary word.
10. Proofread one more time than you think necessary.

If attorneys were to follow Garner's suggestions, they could improve their skills dra-



matically, regardless of how well they write. Garner emphasizes that every lawyer can produce better results, including transactional lawyers, to whom he asks the following questions at his legal drafting CLEs:

1. What percentage of the legal drafting that you see is of a genuine high quality?
2. What percentage of legal drafters would claim to produce high-quality drafting?

The answers Garner receives demonstrate the chasm between perception and reality: 5 percent of the drafting his students see is of a genuinely high quality, although 95 percent of the drafters claim that they produce high-quality documents.

One of the more interesting chapters focuses on "Citations," which Garner calls "the volume numbers and page numbers that clutter lawyers' prose." Garner is a vocal advocate of the benefits that would result if lawyers and judges would place bibliographic information in footnotes — and also refrain from putting any discussion in footnotes. Doing so, he argues, shortens paragraphs, allows the writer to more easily vary his or her sentence structure, provides the writer with the freedom to write some shorter sentences, and most importantly, invites the reader to read the paragraph, and not skip over characters that may actually be important.

Although the book contains numerous examples of good and bad writing, it is not designed to be a pure "how-to" manual. Rather, Garner encourages his readers to think about his suggestions and implement them in the ways they feel most comfortable.

As good as the book is, it is not flawless. Because of its size, the volume is a bit unwieldy. As a result, the more tech savvy among us might have preferred to also receive a CD with an interactive index so that we could leaf through the book more quickly or read it on a laptop without trying to figure out how to stuff it into a briefcase. In addition, the book does not contain an "About the Author" section for readers to learn more about Garner.

Overall, *Garner on Writing and Language* is thought-provoking and instructive. Without question, legal writing can and should improve. Lawyers just need to follow the roadmap Bryan Garner has drafted. ■

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