

The Top 5 Things Every Lawyer Should Know About Legal Writing

By MORLEY WITUS

The following quotes are the most memorable, insightful, classic advice for improving legal writing:

"There are two things wrong with almost all legal writing. One is its style. The other is its content."
--Fred Rodell, Yale Law School

--Strunk &

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MorleyWitus

Morley Witus is an attorney with the firm of Barris, Sott, Denn & Driker. In addition to currently serving as a Director of the Detroit Metropolitan Bar Association, he previously served as chair of the State Bar of Michigan Civil Procedure and Courts Committee and President of the Jewish Federation of Washtenaw County. He is currently a member of the American Law Institute.

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"When it comes to plain talk, lawyers are the worst. Most speak and write as if they live in a repository for dead bodies. When they write briefs that some poor trapped judge must read, they fill them with heavy, gray, lifeless, disgustingly boring word gravel -- piles of it, tons of it. When I read most briefs, I want to scream. I want to throw the brief out the window and jump. If I could find the author, and had the power, I would make the villain eat the thing a page at a time without salt or catsup."
--Gerry Spence, *How to Argue and Win Every Time*

"A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts. This requires not that the writer make all his sentences short, or that he avoid all detail, but that every word tell.

Counseling and Advocacy

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"The way to win a case is to make the judge want to decide in your favor and then, and then only, to cite precedents which will justify such a determination. You will almost always find plenty of cases to cite in your favor."
--Jerome Frank, *Law and the Modern Mind*

"The real and vital central job is to satisfy the court that sense and decency and justice require (a) the rule that you contend for in this type of situation; and (b) the result that you contend for, as between these parties. Your whole case, on law and facts, must make sense, must appeal as being obvious sense, inescapable sense, sense in simple terms of life and justice."
--Karl Llewellyn, *The Modern Approach to*