

PRESENTED AT

2016 Legal Writing: Precision and Persuasion

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Beyond Commas

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Beyond Commas

Did you know that when you became a lawyer you became a professional writer?

You're paid to write. That takes you out of amateur status. And most of us don't write a little. We write a lot. I remember when I began working at a law firm that I was surprised at how much writing there was. "Gosh," I thought. "Why didn't anyone tell me I was going to be doing so much writing?" If writing is a significant part of your job, you're a professional writer.

Convinced? If not, go read *The Lawyer's Guide to Writing Well*, by Tom Goldstein and Jethro Lieberman. It'll convince you lawyers are professional writers.

Since lawyers are professional writers and editors, we should act like it. We should master not only basic writing mechanics but also advanced skills. In this session, you'll first get to know the most reliable sources to consult when you need to answer a question that goes beyond commas (and when you need advice on commas, too). The idea is to have reliable references handy to answer questions: Do I need to capitalize *appellant*? How do I use the dash? Am I using *shall* (or *which* or *ensure* or *infer* or *comprise*) correctly? Plus, you inevitably increase your writing IQ whenever you serendipitously stumble upon an interesting entry. Then, with a series of examples, we cover fine points of grammar and punctuation.

The best sources that go beyond commas

Writing references

The Chicago Manual of Style (16th ed. 2010)

Bryan A. Garner, *Garner's Modern English Usage* (2016)

Legal-writing references

Bryan A. Garner, *The Redbook: A Manual on Legal Style* (3d ed. 2013)

Anne Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer* (4th ed. 2013)

Joan Ames Magat, *The Lawyer's Editing Manual* (2008)

Deborah Bouchoux, *Aspen Handbook for Legal Writers* (3d ed. 2013)

Texas Law Review, *Manual on Usage & Style* (13th ed. 2015)

General writing guides

Joe Glaser, *Understanding Style: Practical Ways to Improve Your Writing* (2010)

Patricia T. O'Conner, *Woe is I: The Grammarphobe's Guide to Better English in Plain English* (3d ed. 2009)

Mignon Fogarty, *Grammar Girl's Quick and Dirty Tips for Better Writing* (2008)

Legal-writing guides

Richard C. Wydick, *Plain English for Lawyers* (5th ed. 2005).

Tom Goldstein & Jethro K. Lieberman, *The Lawyer's Guide to Writing Well* (3d ed. 2016)

Steven D. Stark, *Writing to Win: The Legal Writer* (2d ed. 2012).

Problems

Scrutinize each item below for writing concerns or errors in mechanics—grammar, punctuation, word usage, and the conventions of professional English.

1. Kenneth Gage has asked this firm to evaluate the likelihood of him prevailing on a whistleblower claim against the Holleyville Independent School District.
2. The client did not approve of Casey writing the brief.
3. To prevail under the Whistleblower Act, the Austin Court of Appeals has held that a plaintiff must prove three elements.
4. Having completed the research, no answer emerged.
5. The administration's work-around for religious nonprofits still requires them to facilitate the provision of birth-control methods to their employees or students they find morally objectionable.
6. The research does not support the conclusion that today's clerks only want feedback because they require constant reinforcement and coddling.
7. Now that you are in law practice, you are a professional writer, and you should study writing sources, usage dictionaries, and strive to improve your writing style.
8. Ms. Galvez expected that she would present her argument at the hearing, that she would have time to show a slide presentation, and that questions would be asked by the judge.

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