



# The Scrivener

Scribes — The American Society of Legal Writers

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*Summer–Fall 2007*

## News: An Exciting Lincoln Symposium, A Successful Luncheon, and a New President

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### January 3 Symposium on Lincoln's Writing in His Law Practice

When Lincoln's mastery of language is discussed, little attention is paid to his legal-writing skills. Now, thanks to publication of *The Law Practice of Abraham Lincoln*, with thousands of newly discovered documents, it's possible to evaluate his legal writing.

On January 3 in New York City, Scribes will cosponsor a symposium that considers the role of language in the legal career of the sixteenth president. In the symposium, historians and lawyers will consider whether Lincoln had superior legal-drafting skills or merely those of the average lawyer of his day. The panelists will also examine his correspondence with clients to see how skillfully he handled their concerns.

The distinguished Lincoln historian Harold Holzer, co-chairman of the U.S. Lincoln Bicentennial Commission, will serve as moderator and make opening remarks. John Lupton, associate director, *The Papers of Abraham Lincoln*, will discuss "Lincoln's Mastery of Language in the Practice of Law." Finally Professor Roger Billings of the Chase College of Law, Northern Kentucky University, will discuss "Lincoln's Correspondence—The Art of Dealing with Clients." Professor Mark E. Steiner of South Texas College of

Law, and author of *An Honest Calling: The Law Practice of Abraham Lincoln*, will serve as commentator.

Scribes is cosponsoring the symposium with the New York City Bar's Legal History Committee. It will take place at the New York City Bar, 42 West 44th Street, between 6th Avenue (Avenue of the Americas) and 5th Avenue. It begins at 6 p.m. and will end before 8 p.m. The public is invited, and there is no charge.

### A Successful Luncheon

The Scribes annual luncheon was, once again, a great success. Forty-five members and guests attended the event in San Francisco, including the deans of four institutional members. Outgoing president Otto Stockmeyer handed over the gavel to new president Stuart Shiffman. And past president Roy Mersky introduced the featured speaker, Bryan Garner, who spoke about legal writing from the viewpoints of several United States Supreme Court justices.

Dewey Cole presented the Scribes Brief-Writing Award to David Pratt, a student at Texas Wesleyan University School of Law. Judge Michael Hyman announced the winner of the Scribes Book Award, Joseph Margulies, for his book *Guantánamo and the Abuse of Presidential Power*. Finally, Dean Steve Smith presented a special award to Thomas M. Cooley Law School's president, Don LeDuc, to recognize the school's extraordinary support of Scribes.

*(continued on page 2)*

(A Successful Luncheon *continued from page 1*)



Photo by Stuart Locklear, www.stuartlocklearphotography.com

Featured speaker Bryan Garner, who presented video clips of U.S. Supreme Court justices speaking about legal writing.

During the business portion of the meeting, members elected a new vice president, secretary, and treasurer, along with four board members. Steve Smith was elected vice president; Darby Dickerson, secretary; and Michael Hyman, treasurer. Board members elected to three-year terms were Beverly Burlingame, Bryan Garner, and Dick Wydick. John R. Wierzbicki was elected to fill the one year remaining on Steve Smith's term on the board.

### **Introducing a New President: Stuart Shiffman—and His First Column**

While it is a great honor to write my first column as president of Scribes, I do so with great humility and trepidation. I feel somewhat like the tennis professional in the *Seinfeld* episode who was fearful that if he played tennis in front of his girlfriend, he would be exposed as a very poor player. To write a president's column for any organization is a daunting task. To write a column that will be read by many of the great legal writers and professors of legal writing is to expose my shortcomings as a writer to our entire membership. A column, however, is a required task for the president, so I will give it my best effort.

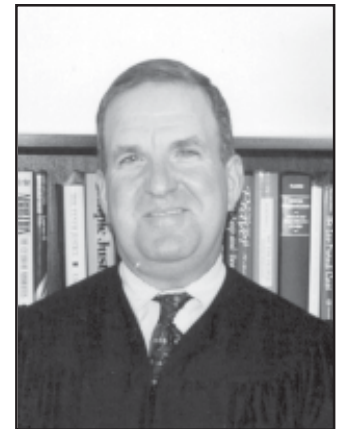
I assume the presidency of this wonderful organization at a very good time. For the past two years our organization has been led by Professor Otto Stockmeyer of Thomas Cooley Law School. Many of you know Otto through his untiring work on behalf of Scribes, and many of you became members through his vigorous recruitment efforts. During Otto's tenure, the organization has seen substantial growth in its ranks and improvement in its programs. It will be difficult to follow in Otto's footsteps, but with the help of a hardworking board, I know I will have a great deal of support.

It has been my privilege to be a member of Scribes for more than 20 years. I remember well the conversation at an American Bar Association meeting when I asked my friend Professor Roy Mersky whether he had read an article I had written on some esoteric point of criminal law. Although Roy had not read the article, he did advise me that its publication made me eligible to join an organization of legal writers. The rest, as they say, is history. Having served as a board member, treasurer, and vice president during the past decade, I know full well the achievements of our organization and the hard work undertaken by its membership and board. As a trial judge for 23 years and now as a part-time appellate lawyer, I also appreciate high-quality writing and know from my experience that our organization can still do much to recognize excellent writing and improve the quality of legal writing in general.

I am joined in the Scribes cabinet by vice president and president-elect Steve Smith. Steve is the dean of California Western School of Law in San Diego. He is also the past chair of the ABA Section on Legal Education and Admissions to the Bar. He has been an active recruiter of institutional members for Scribes and seems to be on a first-name basis with every law-school dean in the country.

Judge Michael Hyman, a fellow Illinoisan, was appointed Circuit Judge in Illinois in 2006. Before joining the bench, Mike was in private practice with Much, Shelist and engaged primarily in class-action litigation. Mike was instrumental in pairing Scribes and the business and litigation sections of the ABA. Together we have presented several well-received programs at the ABA annual meeting. In addition to his role as treasurer of Scribes, Mike serves as chairman of the Scribes Book-Award Committee.

Dean Darby Dickerson of Stetson Law School serves as Scribes' secretary. Darby is the author of the *ALWD Citation Manual: A Professional System of Citation*. She has taught legal writing, federal pretrial practice, and litigation ethics. In 2005, she hosted a Scribes legal-writing seminar at



Stuart Shiffman, new president of Scribes.

(A New President: Stuart Shiffman *continued from page 2*)

Stetson; this program is now a regular event held in association with our annual board meeting.

I cannot forget our executive director, Joe Kimble, who also serves as editor in chief of *The Scribes Journal of Legal Writing*. Joe is a man of incredible talent who handles multiple tasks without complaint. He truly is the glue that holds our organization together.

I look forward to my service as president of this wonderful group of individuals devoted to legal writing. I hope that I will be worthy of the confidence placed in me by the board of directors and that, during the next two years, the accomplishments and achievements of Scribes will continue.

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## News from Members

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**Robert L. Geltzer** has been awarded a master's of literature degree from The City College of New York. Robert is the president and founder of The Society of the Children, By the Children, and For the Children, located in New York City. He is also a practicing attorney and federal bankruptcy trustee.

**Catherine McClure** is writing the weekly "On Point" column for the *Detroit Legal News* and its affiliated newspapers. The column covers current legal events at the national and local levels and provides analyses of court decisions, legislative initiatives, and other political events that affect legal issues.

**Marc M. Schneier** has published "Understanding and Applying Construction Law" in *Essentials of Construction Management* (Informa Center for Professional Development 2006).

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## Submit Your Articles

Please send items for upcoming issues of *The Scrivener* (electronically or on disk) to the address shown below.

### Deadlines

Winter	February 15
Spring	April 15

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## Correction

In *The Scrivener* Winter 2007 issue on page 7, Maureen Murphy was incorrectly identified as *an attorney with the Washington, D.C., firm of Cohen and Marks L.L.P.* Ms. Murphy is principal of Marina Communications. She writes, consults, and coaches in the areas of law and language. We apologize for this misunderstanding.

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## Scenes from the Scribes Annual Luncheon, August 11, 2007, in San Francisco

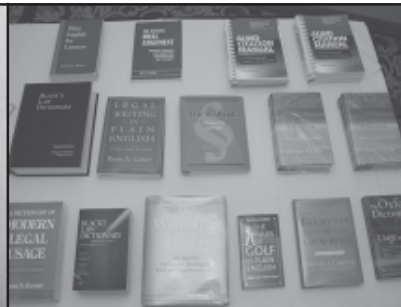
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President Otto Stockmeyer welcomed members and guests.



Dewey Cole (R) presented the Brief-Writing Award to David Pratt, a student at Texas Wesleyan School of Law, accompanied by Associate Dean Vicki Rainwater.



Scribes members generously donated door prizes.



Bryan Garner and his daughter Alexandra.



Professor Kristen Adams and Dean Darby Dickerson.



Professor Roy Mersky, who introduced Bryan Garner.



Dean Steve Smith presented a special award to Cooley Law School President Don LeDuc in recognition of the school's support of Scribes.



Bryan Garner with a video clip of Justice Ruth Bader Ginsburg.



David Pratt and his wife, Elizabeth.

All photos on this page taken by Stuart Locklear, [www.stuartlocklearphotography.com](http://www.stuartlocklearphotography.com).

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## Joseph Margulies Wins the 2007 Scribes Book Award for *Guantánamo and the Abuse of Presidential Power*

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*Scribes awarded its 2007 Book Award during the annual luncheon to Joseph Margulies for Guantánamo and the Abuse of Presidential Power. Mr. Margulies was unable to attend the awards ceremony because he was on sabbatical in Italy, but he did send the following remarks, which were read to those at the luncheon by Michael Hyman.*

*Joseph Margulies was lead counsel in Rasul v. Bush, the United States Supreme Court case that extended the right of judicial review to prisoners at Guantánamo.*

### Acceptance Remarks

I write with equal parts gratitude at receiving this prestigious award from the American Society of Legal Writers and disappointment that I cannot be there to accept the award in person. But alas, I am in Italy, studying Italian and doing research for a book about the CIA.

I am especially honored to join the ranks of writers like Geoffrey Stone, my former colleague at the University of Chicago, who won this award in 2005 for his wonderful book, *Perilous Times*. Fittingly, I devoured Geof's book on my first flight to Guantanamo in November 2004, a few months after our victory in *Rasul v. Bush*, and about the time I began writing my own book.

Studying a foreign language overseas is an exercise in humility. Over the past six weeks, I cannot count the number of people who have stared at me blankly and wondered aloud, "What the hell are you trying to say?" Fortunately, my years as a civil-rights lawyer prepared me for this reception, and I carry on blithely, contenting myself with a silent prayer that the reward for my public embarrassment will be a perfect plate of pasta.

But the whole enterprise has also been a cautionary tale for a lawyer who nurtures the conceit that he may also be a writer. Anyone who would try to make contentious and complicated legal debates accessible to a lay audience is likely to be met with the same blank stare that I have often encountered in Italy. This prospect typically drives lawyers in one of two directions. To the left is the path of least significance—the law review:

usually a dense, arcane affair that richly deserves the yawning indifference with which it will likely be received.

But the choice to the right is even worse. It is the path of greatest condescension. Difficult issues are scrubbed of nuance and no attempt is made to achieve meaningful balance. Call it the AM-radio approach to public discourse: one part typing, five parts pandering. No good can come from this style, except perhaps to the author, who will probably achieve greater popularity.

Choosing between impenetrable jargon and vacuous prattle is rarely satisfying—and certainly not for an issue as important as the administration's detention policy. The policy is a failure, but it is not irrational. Today, it is almost universally reviled, but since its creation, it has been abetted by many of the critics who attack it so vigorously. It is morally bankrupt, but its architects are not. It is illegal, but that does not mean its agents and supporters are criminals. Like any issue that matters, the truth is messy, making genuine understanding both hard to come by and worth the effort.

I leave others to debate whether I succeeded in this endeavor, but to the extent the Scribes Award recognizes my book for making the attempt, I am deeply grateful.

Thank you very much.

Joe Margulies

August 1, 2007



Judge Michael Hyman announced the winner of the Book Award, Joseph Margulies, who could not attend.

Photo by Stuart Locklear: [www.stuartlocklearphotography.com](http://www.stuartlocklearphotography.com).

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# Thomas McKnight Steele

## 1948–2007

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Tom Steele was a passionate man who related to everyone individually. He was a beloved and caring father to his four boys: Robbie, Ryan, Chris, and Justin; a beloved and devoted husband to LeAnn; a devoted teacher to thousands of students; a devoted colleague to hundreds; and a dear friend to countless numbers of us fortunate enough to share with him his home or professional communities.

Tom was a demanding man. He could roar with the lions and soar with fellow Eagle Scouts. He had little tolerance for stupidity and none for laziness. Tom kept busy. When he wasn't teaching, writing, editing, farming, traveling, cooking for family and friends, camping—or rooting for the Oklahoma State Cowboys, the Demon Deacons, the Oregon Ducks, or the Texas Longhorns—he was reading Civil War histories, teaching Sunday school, fishing for anything that swam, raising prize tomatoes, or just spending time with his family.

Tom demanded everyone's absolute best. One of his legal research and writing students said, "Coach Steele, we rose to greatness because you expected greatness of us." Another student said,

[W]hat you did for . . . your class is far above and beyond what you were expected to do and what you had to do. What [we] learned by that example is . . . more important than any law you could have taught us.

There is not enough space to list all the student testimonies, but there was little surprise when Tom was awarded the Wake Forest University School of Law Excellence in Teaching Award for 2006–2007.

Tom Steele was a friend and champion of Scribes, too. Tom almost single-handedly kept Scribes alive in the lean years of the 1980s, and he began its years of tremendous membership growth. Scribes, of course, belongs to no one person, but when we review the history of our organization, Tom's name will be found among those of the other Scribes greats, such as Howard Olek, Joe Marticelli, Judge Edward Re, and Roy M. Mersky.

I first met Tom at the 1985 annual meeting of the American Association of Law Libraries (AALL). While most of us get to know someone slowly before we learn his or her habits, quirks, and other baggage, I got to

know Tom baggage-first. I had arranged to share a convention hotel room with my former supervisor, Kurt Adamson. I didn't know that Tom had arranged to stay in the room before my arrival, so I was surprised to find Tom's luggage and other accoutrements. He still smoked back then, and every ashtray was heaped to overflowing with matches, ashes, and twisted cigarette butts.

I knew Kurt didn't smoke, and I knew Kurt was not Thomas McKnight Steele, as broadcast by the luggage tags. Hotel security quickly cleared up the matter, and I enjoyed 22 years of reminding my friend that I met him baggage-first—and still hung around to become friends.

I next met Tom on July 7, 1987, again during an AALL meeting, and again quite by accident. We met in the back of a bus headed toward Wrigley Field. The Cubs were in town hosting the San Diego Padres, and I introduced Tom to my new bride. I remember three things about that game: first, my lovely bride; second, Tom's offer of a job at Wake Forest; and third, the melee on the field that resulted in five Cub players, their manager, and their coach being ejected after Greg Maddux "returned the favor" that Padres pitcher Eric Show had bestowed earlier on the face of Cubs star Andre Dawson.

I worked for Tom only a short time, nearly three years, but I guess when you meet someone baggage-first, he can get under your skin. Tom quickly became a friend, mentor, and pain-in-the-neck big brother. I once described Tom to a library candidate as having an A+ personality. I thought Tom was going to come unhinged. I'd seen him unglued but not yet unhinged. The hinges were bowing, the pins bending. "But Tom," I said, "I didn't grade you as a C or C+!" Then I ran.

"Why attempt a task," Tom once asked me, "if you won't give 125 %?" I'm sure his sons and students heard that question often. Tom's parents and the Boy Scouts of America taught Tom to do his best, and he never settled for less.

Tom, we miss you.

—Glen-Peter Ahlers

Scribes members may honor Tom by sending a donation to The Thomas M. Steele Research Scholarship in History Fund, a scholarship that Professor Steele established several years ago at his undergraduate alma mater, Oklahoma State University. Checks should be made to The OSU Foundation, with a notation of "Steele Scholarship in History" on the memo line. The mailing address is The OSU Foundation, 400 South Monroe, Stillwater, Oklahoma 74074.

## Thank You to Our Volunteer Screeners for the 2007 Scribes Brief-Writing Competition

These people read multiple briefs that were nominated for the 2007 Brief-Writing Award and selected the best 20 to be reviewed by the committee. Scribes extends a sincere thank-you for their hard work. (One asterisk indicates that the screener read briefs in 2005 and 2006; two asterisks indicate that the screener read briefs in 2004, 2005, and 2006; and three asterisks indicate that the screener read briefs in 2004, 2005, 2006, and 2007.)

### **California Western School of Law**

Rita Barnett  
Mitchell Fleischmann  
Robert A. Sachs  
David Simon  
Roberta (Bobbie) Thyfault\*\*

### **Chicago-Kent College of Law, Illinois Institute of Technology**

Kari Aamot  
Elizabeth DeArmond  
Mary Rose Strubbe

### **Florida Coastal School of Law**

Cynthia Baines  
Kirsten Clement\*  
Stacy Scaldo  
Leigh Scales  
Cynthia Stroud

### **Franklin Pierce Law Center**

Alice Briggs\*  
Jennifer Davis\*

### **Golden Gate University School of Law**

Leslie Rose

### **University of Houston Law Center**

Rhonda Beassie\*  
Merle Morris  
Susan Rachlin  
Tobi Tabor\*\*\*

### **The John Marshall Law School**

Maureen Collins  
Joel Cornwell  
Ardath Hamann\*\*\*

### **Lewis & Clark Law School**

Steve Johansen\*  
Daryl Ann Wilson\*

### **Michigan State University College of Law**

Deanne Lawrence\*  
Daphne O'Regan

### **University of Nevada, Las Vegas, William S. Boyd College of Law**

Michael Higdon  
Terrill Pollman  
Jean Whitney

### **Northern Kentucky University, Salmon P. Chase College of Law**

Lawrence Rosenthal

### **Oklahoma City University School of Law**

Greg Eddington  
Jean Giles\*  
Maribob (Bobbie) Lee\*

### **Saint Louis University School of Law**

Paige Canfield  
Twinette Johnson

### **Seattle University School of Law**

Mary Bowman\*\*\*  
Janet Chung\*

### **South Texas College of Law**

Brady Coleman  
Maxine Goodman  
Andrew Solomon

### **Southwestern University School of Law**

Paul Bateman

### **Stetson University College of Law**

Linda Anderson  
Brooke Bowman\*\*\*  
Catherine Cameron\*  
Ann Piccard\*\*

### **Syracuse University College of Law**

Aliza Milner

### **University of Texas School of Law**

Kamela Bridges\*\*\*  
Elizabeth Chestney  
Robin Meyer\*\*\*

### **Thomas M. Cooley Law School**

Eileen Kavanagh\*  
Evelyn Tombers\*\*

### **Washburn University School of Law**

Jeffrey Jackson

### **Western New England College School of Law**

Beth Cohen\*\*\*  
Jocelyn Cuffee  
Jeanne Kaiser  
Myra Orlen\*\*\*

## Global Legal-Skills Conference III Monterrey, Mexico

The third Global Legal-Skills Conference will be held February 28, 29, and March 1, 2008, in Monterrey, Mexico, hosted by the Facultad Libre de Derecho de Monterrey and The John Marshall Law School of Chicago.

The Global Legal-Skills Conference focuses on international legal education and specifically the needs of lawyers and law students who speak English as a second language. Additional topics covered at the conference include advocacy skills, legal research, cross-cultural and intercultural issues, classroom teaching, clinical legal education, academic support, international legal exchanges, and alternative dispute resolution.

In addition to attendees expected from the United States, Canada, Asia, and Europe, the 2008 Global Legal-Skills Conference in Mexico is expected to include many attendees from law schools in Mexico and Latin America.

The conference presents excellent networking opportunities for those who are interested in teaching abroad, for those who are interested in international legal education, and for those who want to learn how international and foreign teaching methods can improve teaching in the domestic classroom.

The majority of panel presentations will be in English. Some panels will be in Spanish. If one of the panels is in Spanish, at least one concurrent panel will be in English.

Further information about the conference is available at <http://www.fldm.edu.mx/>

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## New Members

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Michael L. Atchley (Fort Worth, Texas)  
Nancee Barth\* (Chicago, Illinois)  
Evan Brandes (New York, New York)  
Ronald L. Burdge (Dayton, Ohio)  
Christine Chabot (Ann Arbor, Michigan)  
Szu-Lung Chang\* (Lansing, Michigan)  
Jennifer Kay Clark (Coloma, Michigan)  
E. Martin Enriquez (Denver, Colorado)  
Kristin B. Gerdy (Orem, Utah)  
William Gordon (Montgomery, Alabama)  
Erin Katz\* (Lansing, Michigan)  
Eric Linsk\* (St. Paul, Minnesota)  
Bradley Nahrstadt (Chicago, Illinois)  
Paul J. Notarianni\* (Grundy, Virginia)  
Ryan L. Nuzzo\* (Grundy, Virginia)  
Kenneth F. Oettle (Newark, New Jersey)  
Craig E. Oliver\* (Plano, Texas)  
Laura Oliver\* (Montgomery, Alabama)  
Ryan Owsley (Little Rock, Arkansas)  
Jackie Perczek (Miami, Florida)  
Leslie Carter Rawls (Charlotte, North Carolina)  
Jeremy Ross (Los Angeles, California)  
Kenneth Ross (Minnetonka, Minnesota)  
Peter Siviglia (Tarrytown, New York)  
Bridget A. Sullivan (Minneapolis, Minnesota)  
Roger Townsend (Houston, Texas)  
Michael Weitman\* (Brooklyn, New York)  
Daniel R. White (Los Angeles, California)

\* Student-Editor Membership



### Get a Free Book!

Anyone who brings in two new members will get a free signed copy of the Scribes 2006 Book Award winner, *Insincere Promises*.

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## Institutional Members

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- University of Akron Law Center  
Akron, Ohio (since 2004)
- Alaska Appellate Courts  
Anchorage, Alaska (since 2005)
- University of Arkansas at Little Rock  
Little Rock, Arkansas (since 2007)
- Barry University School of Law  
Orlando, Florida (since 2002)
- California Western School of Law  
San Diego, California (since 1996)
- The Catholic University of America,  
Columbus School of Law  
Washington, D.C. (since 2007)
- Chapman University School of Law  
Orange, California (since 2002)
- Chicago-Kent College of Law  
Chicago, Illinois (since 2006)
- Commonwealth Court of Pennsylvania  
Harrisburg, Pennsylvania (since 2005)
- Florida Coastal School of Law  
Jacksonville, Florida (since 2002)
- Golden Gate University  
San Francisco, California (since 2006)
- Hofstra University School of Law  
Hempstead, New York (since 2007)
- University of Houston Law Center  
Houston, Texas (since 2002)
- John Marshall Law School  
Chicago, Illinois (since 2004)
- University of La Verne College of Law  
Ontario, California (since 2003)
- Lewis & Clark Law School  
Portland, Oregon (since 2004)
- Michigan Court of Appeals  
Lansing, Michigan (since 2004)
- Michigan State University School of Law  
East Lansing, Michigan (since 2002)
- University of Nevada, Las Vegas,  
William S. Boyd School of Law  
Las Vegas, Nevada (since 2006)
- Northern Kentucky University College of Law  
Highland Heights, Kentucky (since 2002)
- Oklahoma City University School of Law  
Oklahoma City, Oklahoma (since 2004)
- The University of Oklahoma Law Center  
Norman, Oklahoma (since 2006)
- Pace University School of Law  
White Plains, New York (since 2007)
- Saint Louis University School of Law  
St. Louis, Missouri (since 1990)
- Seattle University School of Law  
Seattle, Washington (since 2001)
- South Texas College of Law  
Houston, Texas (since 2006)
- Southwestern Law School  
Los Angeles, California (since 1990)
- Stetson University College of Law  
St. Petersburg, Florida (since 1990)
- Supreme Court of Texas  
Austin, Texas (since 2006)
- Syracuse University College of Law  
Syracuse, New York (since 2004)
- Texas Wesleyan University School of Law  
Fort Worth, Texas (since 2007)
- The University of Texas School of Law  
Austin, Texas (since 1991)
- Thomas M. Cooley Law School  
Lansing, Michigan (since 1991)
- Thomson West  
Rochester, New York (since 2007)
- United States Court of Appeals for the Armed Forces  
Washington, D.C. (since 2005)
- Washburn University School of Law  
Topeka, Kansas (since 2001)
- Western New England College School of Law  
Springfield, Massachusetts (since 2000)
- William Mitchell College of Law  
St. Paul, Minnesota (since 2001)

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## Life Members

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Glen-Peter Ahlers  
(Orlando, Florida)

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Michael J. Collins (Dallas, Texas)

Deborah Cook (Akron, Ohio)

Willard H. DaSilva  
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(Pleasant Hill, California)

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(deceased)

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Paul R. Steadman  
(Chicago, Illinois)

Thomas M. Steele  
(Winston-Salem, North Carolina)  
(deceased)

Norman Otto Stockmeyer  
(Lansing, Michigan)

Anthony Turley (Toledo, Ohio)

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## Scribes Board Members 2007–2008

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### 2007–2008 John R. Wierzbicki

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