The Scrivener

Scribes — The American Society of Writers on Legal Subjects

Summer—Fall 2004

The Scribes Annual Meeting: Awards, Achievements, and Record Attendance

For only the second time in its 51-year history, Scribes awarded its Lifetime Achievement Award. The Honorable Richard Sheppard Arnold, United States Court of Appeals, Eighth Circuit, won the prestigious award. Scribes President Beverly Ray Burlingame presented the award at the Annual Meeting in Atlanta on August 7, 2004.

Judge Richard Arnold graduated first in his undergraduate class at Yale. He also graduated first in his law school class at Harvard — a class that included Justice Antonin Scalia. After Harvard, Judge Arnold clerked for Justice Brennan. Later, he practiced law in Washington, D.C., before returning to private practice in Arkansas. He served as legislative director for Senator Dale Bumpers.

Judge Morris Arnold accepted the Lifetime Achievement Award on behalf of his brother, Judge Richard Arnold, from Scribes President Beverly Ray Burlingame.

In 1978, President Jimmy Carter appointed Judge Arnold to the United States District Court for the Eastern District of Arkansas; then in 1980, President Carter appointed him to the Eighth Circuit Court of Appeals. He assumed senior status in 2001.

Judge Arnold's brother, The Honorable Morris Arnold, also of the United States Court of Appeals, Eighth Circuit, accepted the award for him. Judge Morris Arnold served as Judge of the United States District Court, Western District of Arkansas, before he was appointed to the Court of Appeals in 1992. He is a well-known historian and author of several books, including the award-winning *The Rumble of a Distant Drum*. Judge Morris Arnold received two law degrees from Harvard Law School, and he has served on the faculty of the law schools at the University of Pennsylvania and the University of Arkansas.

Professor Polly J. Price of Emory University School of Law is a former law clerk of Judge Richard Arnold's and his judicial biographer. She attended the Scribes award luncheon and spoke about Judge Richard Arnold's achievements. Excerpts of both Judge Morris Arnold's and Professor Price's remarks appear below.

Remarks by The Honorable Morris Arnold:

I'm grateful to be here to accept this award on behalf of my brother. You know, of course, that he was a political appointee — but my appointment was based on merit. He asked me to convey to you his regret that he couldn't be here today and his appreciation for the recognition that you've given him.

(continued from page 1)

Occasions like this present an opportunity to think about what it means to be a good writer. One matter that I've often mused over is the difference between form and substance. If, in fact, there is such a difference, what is the relationship? I had a colleague when I was a law professor, before I fell from grace and became a government worker, who used to say that we'd make an ideal team. He said that he and I should write something together because he had much to say but wasn't too good at saying it, and I was great at saying things but didn't have much to say. So we would have been perfect partners.

In reality, the difference between form and substance is more elusive. A writer's appreciation and knowledge of the substance of what he or she is writing about necessarily affects the form of what is said. One of the observations about being a judge that my brother is fond of making is that there is no such thing as a complicated case. There are only cases with many simple issues. The ability to see those issues, to untangle them and deal with them logically and in order, necessarily affects the shape and form of the opinion. In other words, simple, direct, and effective writing — the kind of writing that Scribes promotes — requires a mind that can appreciate the substantive difficulties of the subject.

> "There is no such thing as a complicated case. There are only cases with many simple issues."
>
> —Judge Richard Arnold

We all should recognize, and I know we do, that good legal writing, which my brother's opinions and articles exemplify, doesn't differ from good writing. Of course, there are basic rules of grammar and syntax and style that we must observe, and my brother is a stickler for those. For instance, he has no patience for the misplaced hyphen or the improperly omitted one. So if one is writing about purple people eaters, proper placement of the hyphen is important. If the people eater is purple, then people-eater is hyphenated. But if the point is that purple people are being eaten, then purple-people is hyphenated. There is another great example of this that has to do with a pickled herring merchant, but I'll leave that to your imagination.

As you can see, being around my brother is a lot of fun. Beyond its respect for the rules, my brother's writing demonstrates how good legal writing differs from poor legal writing. First, his opinions are frequently conversational because they are consciously free of jargon and legal affectation. Much of what he writes is meant to be read out loud; my brother speaks directly to the reader, especially to the losing party, to explain his thinking. I think this trait owes much to his classical training. It is reason, not authority, that matters to him. And this is why his opinions typically have so few citations and so few footnotes. Multiple citations are not just useless, but raise a suspicion that the writer really doesn't know what he or she is talking about. Even when writing about technical cases, good writers like my brother will not allow details or dreary acronyms to overwhelm an explanation or to discourage the reader.

One very effective technique that my brother uses to engage the reader is to ask questions in the middle of the text. Should the certificate of appealability be expanded? Is the procedural default issue substantial? These kinds of questions give a texture to otherwise drab text, and they demand the reader's attention. There is also a politeness, a courtesy, even a humility about my brother's opinions that is unique. He is very careful about the feelings, not just of the parties, but of the district court, often blunting the sting of a defeat or a reversal with a compliment or expression of admiration. But when he's chasing a point or vindicating a principle, he can be relentless.

I hope that you won't think I'm expressing simple family pride when I say that Richard sets an example for all of us. I offer my sincere thanks to you for this public recognition of that fact.

Remarks by Professor Polly J. Price:

I'm delighted to speak before this group about Richard Sheppard Arnold. Writing about one of the greatest writers ever to sit on the federal bench is daunting, to say the least. Most daunting is the prospect that he might read the published book and return it to me with edits.

I remember my first day of hearings on the Eighth Circuit. I was a brand-new law clerk. During oral argument, Judge Arnold held up a note from the bench and motioned to the law clerks. We assumed that there

was a great project ahead — perhaps some last-minute research or an opinion to draft. The note said, "Please get me a tuna-fish sandwich."

Judge Arnold's former law clerks have vivid memories of the opinion-drafting process. When the Judge returned our first drafts, we saw that he had meticulously printed edits throughout, including rewritten sentences, grammatical changes, and sometimes mysterious Latinisms. In the worst-case scenario, only a few sentences remained of our original. Judge Arnold always printed his evaluation in the upper-right corner of page one: "Very good," "Good," "Okay," "Excellent" (which we'd want to frame), or my personal nemesis, "Too long."

Polly J. Price, Professor at Emory University School of Law and judicial biographer of Judge Richard Arnold, spoke to Scribes members about Judge Arnold's life and his writing.

When he was at Harvard Law, Judge Arnold maintained a running debate with Justice Scalia, on the Harvard Law Review bulletin board, written entirely in Latin. After he practiced law in Washington and back home in Arkansas, Judge Arnold ran twice for Congress but lost twice. He said that he decided to accept President Carter's nomination to the federal bench because if he wanted to be in public service, it was clear to him that he needed an office that was appointed, not elected.

As you also know, Judge Arnold was nearly nominated for the U.S. Supreme Court in 1994. President Clinton, announcing Justice Breyer's appointment in June, took the unusual step of commenting on the appointment he did not make:

> Judge Richard Arnold, the Chief Judge of the Eighth Circuit, has been a friend of mine for a long time. I have the greatest respect for his intellect, for his role as a jurist, and for his extraordinary character. I think that a measure of the devotion and the admiration in which he is held is evidenced by the fact that somewhere around one hundred judges, one-eighth of the entire federal bench, wrote me endorsing his candidacy for the Supreme Court.

President Clinton did not nominate Judge Arnold in 1994 because the Judge was undergoing cancer treatment, and the prognosis was uncertain. And President Clinton did not get another opportunity to nominate a Supreme Court Justice.

Judge Arnold is already viewed as the new Learned Hand, perhaps the best judge never to serve on the Supreme Court. There are other brilliant judges. But there is no better writer. Judge Arnold's legal opinions, over 700 signed opinions to date, are of the highest quality. Chief Justice Rehnquist characterized Judge Arnold's opinions as unusually gifted, and Justice Brennan described Richard Arnold as "one of the most gifted members of the federal judiciary."

In This Issue

Submit Your Articles

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

Deadlines

Winter	January 15
Spring	March 15
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Jane Siegel
Thomas M. Cooley Law School
P.O. Box 13038
Lansing, Michigan 48901
siegelj@cooley.edu

Lifetime Achievement Award

(continued from page 3)

Judge Arnold's opinions stand out in two respects. They are written in plain, direct, unpretentious language, and they are written for the parties rather than for legal scholars. Reasons and explanations, not string citations, direct his opinions. And as the other Judge Arnold noted, Judge Richard Arnold is a master of grammar and style.

> "Please don't use the phrase 'totality of the circumstances.' 'The circumstances' will do just fine."
>
> —Judge Richard Arnold

He insisted that his law clerks learn where "only" goes in a sentence, that "breach" is a noun and not a verb, and, of course, when to hyphenate. Each year, when he addresses the new law clerks, he urges simplicity. He has said, "Please don't use the phrase 'totality of the circumstances.' 'The circumstances' will do just fine."

If his written opinions were the only evidence we had, we would conclude that there is no clearer thinker on the federal bench than Judge Richard Arnold. Judge Arnold said, "You have to know what you need to say before you can write it well." Judge Arnold taught his clerks to think clearly, be precise, be brief, and use simple language, even if it takes many drafts — because writing well is worth the effort.

As this issue was going to press, we learned of the death of Judge Richard Arnold. Scribes members mourn his loss and extend condolences to his family.

Volume 9 of the *Scribes Journal*.

By now, you should have received Volume 9 of *The Scribes Journal of Legal Writing*. If you would like an extra copy (perhaps to give to a potential new member), please contact Joe Kimble at <kimblej@cooley.edu>.

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University of Oklahoma Team Wins Best Brief Award

Third-year law students Dace Caldwell, Scott Henderson, and Jennifer Miller, from the University of Oklahoma College of Law, won the 2004 Scribes Brief Writing Competition. Professor David Swank coached the winning team. The University of Texas won second place for a brief written by Connie Pfeiffer, Carol Funk, and Heather Fraley; South Texas College of Law won third place, with a brief written by Eric Kirkpatrick, Ben Leibman, and Lauren Williams.

A team of 17 volunteer members of Scribes, assembled by Professor Christy Nisbett, screened 22 entries. Three screeners read each entry. The judging committee, chaired by Judge Kenneth Gartner, then read and ranked the eight finalists. This year, Scribes accepted entries that were winning briefs in regional rounds of national moot court competitions — and, of course, the winning briefs of the national competitions.

The winning team of the 2004 Scribes Best Brief Award, from the University of Oklahoma: Scott Henderson, Jennifer Miller, and Dace Caldwell. Professor David Swank coached the winning team.

Christy Nisbett presented the award to Dace Caldwell at the Scribes luncheon meeting. Dace Caldwell spoke to the members.

Excerpts of Ms. Caldwell's remarks:

While our friends were hitting the ski slopes or sleeping in during Christmas break, our team worked diligently on our brief. I often wondered if the effort was worth it; I no longer have any doubts. As many of you discovered years ago, we learned that extra attention to detail was well worth our time and energy.

As those of you who have co-authored books, articles, or briefs know, good writing is not easy. My team attacked our brief with a brainstorming session that produced an outline of arguments. A few days later, however, after realizing that there was absolutely no legal authority to support our arguments, we learned what it means to try again.

Throughout the writing experience, our team learned how to listen to each other's ideas and, ultimately, how to trust each other's judgment. As any team process does, our brief-writing experience taught lessons in giving selflessly, in encouraging tirelessly, and in sharing honor. The award we receive today is meaningful to us also because of the honor it bestows upon our school. As third-year law students at the University of Oklahoma College of Law, it is exciting for us to have helped in showing on a national level that Oklahoma is more than great football. Under the leadership of Dean Andy Coats, our law school restructured its legal research and writing program within the past two years, and we've seen tremendous results. We are grateful for the quality of legal education we are receiving at our law school.

Thanks again to the Scribes Brief Writing competition and to the judges.

Excerpts from *Garner's Modern American Usage*

Bryan Garner, a former President and current board member of Scribes, has kindly agreed to let us print excerpts from his invaluable *Modern American Usage*, the second edition of which has recently been published by Oxford University Press. Please note that some of the items do not contain the full entry as it appears in the book; they are abbreviated excerpts, if you will. Also note that the terms in small capitals cross-refer to other entries. Obviously, we can't do justice to the book. But we've picked some items that should be interesting to legal writers, and we'll continue with more in the next issue.

can. A. And *may*. The distinction between these words has been much discussed over the years, beginning with Samuel Johnson's *Dictionary of the English Language* (1755). Generally, *can* expresses physical or mental ability <he can lift 500 pounds>; *may* expresses permission or authorization <the guests may now enter>, and sometimes possibility <the trial may end on Friday>. Although only an insufferable precision would insist on observing the distinction in informal speech or writing (especially in questions such as "Can I wait until August?"), it's often advisable to distinguish between these words.

> "*Cannot* is preferable to *can't* in formal writing."
>
> —Bryan Garner
> *Garner's Modern American Usage*

But three caveats are necessary. First, educated people typically say *can't I* as opposed to the stilted forms *mayn't I* and *may I not*. The same is true of other pronouns <why can't she go?> <can't you wait until Saturday?>. Second, *you can't* and *you cannot* are much more common denials of permission than *you may not* <no, you can't play with any more than 14 clubs in your bag>. Third, because *may* is a more polite way of asking for permission, a fussy insistence on using it can give the writing a prissy tone.

B. And *could*. These words express essentially the same idea, but there is a slight difference. In the phrase *We can supply you with 5 tons of caliche*, the meaning is simply that we are able to. But in the phrase *We could supply you with 5 tons of caliche if you'd send us a $5,000 deposit*, the *could* is right because of the condition tacked onto the end; that is, there is some stronger sense of doubt with *could*.

cancel, vb., makes *canceled* and *canceling* in AmE, *cancelled* and *cancelling* in BrE. Note, however, that in *cancellation* the *-l-* is doubled (*-ll-*) because the accent falls on the third syllable.

cannot should not appear as two words, except in the rare instances when the *not* is part of another construction (such as *not only . . . but also*)—e.g.: "His is among very few voices that *can not only* get away with numbers like 'You Are So Beautiful to Me' and a reggae/salsa remake of 'Summer in the City,' but actually make them moving." Jamie Kastner, "Joe Cocker Proves He Can Still Rock 'n' Roll," *Toronto Sun*, 8 Mar. 1995, at 64. *Cannot* is preferable to *can't* in formal writing.

capacity; capability. These words overlap, but each has its nuances. *Capacity* = the power or ability to receive, hold, or contain <the jar was filled to capacity>. Figuratively, it refers to mental faculties in the sense "the power to take in knowledge" <mental capacity>. In law, it is frequently used in the sense "legal competency or qualification" <capacity to enter into a contract>. *Capability* = (1) power or ability in general, whether physical or mental <he has the capability to play first-rate golf>; or (2) the quality of being able to use or be used in a specified way <nuclear capabilities>.

capital, n.**; capitol.** The first is a city, the seat of government; the second is a building in which the state or national legislature meets (fr. L. *capitoleum*, the Roman temple of Jupiter). Until October 1698, when the Virginia governor specified that *Capitol* would be the name of the planned statehouse in a village then known as Middle Plantation, the word *capitol* had been used only as the name of the great Roman temple at Rome.

CAPITALIZATION. E. All Capitals. Avoid them. A block of all caps is hard to read, and the longer the block the harder it is to read. We learn to recognize words by the shape of the letters, even if we're not conscious of it. The ascenders and descenders give words their distinctive shapes. Words set in all caps lose those signals.

That said, the all-caps style does have its place, especially in major headings, set in boldface type and never running over one line. Even in this use, however, the style is best confined to simple tags such as **CONCLUSION**. The combination of caps and boldface can help when setting up a hierarchy of heading styles.

cardinal numbers; ordinal numbers. Cardinal numbers signify quantity or magnitude (*one, two, three,* etc.); ordinal numbers signify position (*first, second, third,* etc.).

"We learn to recognize words by the shape of the letters, even if we're not conscious of it. The ascenders and descenders give words their distinctive shapes. Words set in all caps lose those signals."

—Bryan Garner
Garner's Modern American Usage

carte blanche; *carta blanca*. The French form, *carte blanche* (= free permission), is usual — not the Italian *carta blanca*, which is a NEEDLESS VARIANT. The phrase, meaning literally "a white card," does not take an article — e.g.: "The team's owner gave the coach *carte blanche* to trade or waive players." It is pronounced /kahrt **blahnsh**/ or /**blahnch**/. The plural is *cartes blanches* (/kahrt[s] **blahnsh**/ or /**blahnch**/).

case. A. Generally. Arthur Quiller-Couch condemned this word as "jargon's dearest child." *On the Art of Writing* 106 (1916). H.W. Fowler elaborated on the idea: "There is perhaps no single word so freely resorted to as a trouble-saver, and consequently responsible for so much flabby writing" (*MEU1* at 65).

The offending phrases include *in case* (better made *if*), *in cases in which* (usually verbose for *if, when*, or *whenever*), *in the case of* (usually best deleted or reduced to *in*), and *in every case* (better made *always*, if possible). The word *case* especially leads to flabbiness when used in a passage with different meanings — e.g.: "The popular image of a divorce *case* has long been that of a private detective skulking through the bushes outside a window with a telephoto lens, seeking a candid snapshot of the wife *in flagrante delicto* with a lover. Such is not exactly the *case*." Joseph C. Goulden, *The Million Dollar Lawyers* 41 (1978).

B. Meaning "argument." This meaning is commonplace and is no more objectionable than any other use of the word — e.g.:

- "Lincoln repeated his *case* from town to town in the seven debates with Douglas." Alfred Kazin, "A Forever Amazing Writer," *N.Y. Times*, 10 Dec. 1989, § 7, at 3.
- "With Tenet sitting behind him in the Security Council chamber last week, Powell made his *case* in a 77-minute speech interspersed with satellite photographs and recordings of intercepted communications." Kevin Whitelaw, "Prosecutor Powell," *U.S. News & World Rep.*, 17 Feb. 2003, at 26.

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causal. A. And *causative*. These words have, unfortunately, been muddled by some writers. The meanings should be kept distinct. *Causal* = (1) of or relating to causes; involving causation <they could find no causal connection between a missile and the crash>; or (2) arising from a cause <three causal conditions>. Thus, in sense 1, the terms *causal connection* and *causal link* are SET PHRASES—e.g.:

- "The actual research now shows that the percentage of women with immune system-related diseases (such as lupus and scleroderma) is the same within the general population as within the breast implant population. In other words, there's no *causal connection*." Sandy Finestone, "Breast Implant Scare Has Lessons for Juries, Journalists," *Sacramento Bee*, 2 Sept. 1996, at B7.
- "The standard argument was that no scientifically accepted *causal link* between smoking and disease had been demonstrated." Ron Haybron, "Checking Studies to Make Sure They Are Needed," *Plain Dealer* (Cleveland), 30 Nov. 1997, at J10.

Causative = (1) operating as a cause; effective as a cause <various causative agents can result in the disease>; or (2) expressing a cause <causative phrase>. E.g.: "Wertheimer drove the streets of greater Denver searching for possible *causative* agents of childhood cancer." Gary Taubes, "Fields of Fear," *Atlantic Monthly*, Nov. 1994, at 94.

Causal is occasionally misused for *causative* — e.g.: "While apathy and fear of change allow the system to continue, two *causal* [read *causative*] agents are money and power." David Lassie, "Public School System Is a Liability," *Times* (Shreveport), 13 Aug. 2002, at A7.

The opposite mistake likewise appears — e.g.:

- "But Finn Posner, operations engineer with the state DOT's Bureau of Railroads, said there appeared to be no *causative* [read *causal*] link between the two occurrences." Peg Warner, "2 Hurt in Train–Truck Wreck," *Union Leader* (Manchester, N.H.), 2 Oct. 1996, at A1.
- "That means that underwriters would have to show a *causative* [read *causal*] connection between any failure to follow the code and a claimed loss." "Owner-Friendly Terms Herald a Sophisticated Insurance Market," *Bus. Times*, 20 Nov. 1996, at 1.

causality; causation. These words have a fine distinction. *Causality* = the principle of causal relationship; the relation of cause and effect <causality is a very large subject in philosophy>. *Causation* = (1) the causing or producing of an effect <multiple causation complicates the analysis>; or (2) the relation of cause and effect <the principles of causation weren't even considered>. True, sense 2 of *causation* overlaps with the meaning of *causality*. But generally that sense is best left to *causality*.

Causation should not be used for *cause*—e.g.: "Similarly, if affirmative action was the *causation* [read *cause*] of White male labor displacement, the unemployment statistics would reflect such displacement." Byron A. Ellis, "The Displacement Myth," *Baltimore Afro-Am.*, 5 Aug. 1995, at A5.

> "*Causation* should not be used for *cause* . . . ."
>
> —Bryan Garner
> *Garner's Modern American Usage*

cause . . . is due to. This phrasing is redundant—e.g.: *"The cause of crime is largely due to* [read *Crime results largely from* or *Crime is largely due to*] the loss of individual character." Cal Thomas, "Morals, Not Money, Cure Crime," *Cincinnati Enquirer*, 9 Aug. 1994, at A6.

caveat (L. "let him beware") means, in ordinary speech and writing, merely "a warning" — e.g.:

- "One *caveat*: Don't keep topiaries out of a sunny spot for too long." Martha Stewart, "Make an Ornamental Statement—Shape a Topiary," *Dayton Daily News*, 17 Oct. 1996, Homelife §, at 7.
- "The *caveat* here is that the muni market, much like politics, is largely a local affair." Susan E. Kuhn, "For Safety and Income, Buy Bonds," *Fortune*, 23 Dec. 1996, at 123.

The word derives from the Latin phrase *caveat emptor* (= let the buyer beware), which is widely used — eg.: "The old home-buying legal rule used to be '*caveat emptor!*' (let the buyer beware). But in 1984 a California Court of Appeal was the first to hold a home seller and real estate broker liable for damages to the

buyer for failure to disclose unstable soils [that] caused severe home damage." Robert Bruss, "Disclosure, Insurance Help Sellers Avoid 'Bad-House' Lawsuits," *Chicago Trib.*, 7 Dec. 1996, New Homes §, at 2.

The traditional pronunciation of the word (/**kay**-vee-aht/) is far less common today than /**kav**-ee-aht/.

cede; secede; concede. *Cede* = to give up, grant, admit, or surrender <by treaty, the tribe ceded about 20 million acres of aboriginal land>. *Secede* = to withdraw formally from membership or participation in <South Carolina was the first to secede from the United States>. *Concede* = (1) to admit to be true <I concede your point>; (2) to grant (as a right or a privilege) <in settlement, the landowner conceded a right-of-way to his neighbor>; or (3) to admit defeat (as in an election) <Dole conceded to Clinton in a gracious, moving way>.

cell phone, a shortened form of *cellular telephone*, is preferably so spelled. Avoid the one-word version (*cellphone*).

censorship (= the practice or institution of suppressing the expression of ideas thought to be uncongenial to those in power) is a word whose mention in AmE immediately brings up the First Amendment. It is one of those politically charged VOGUE WORDS that people use irresponsibly. It shouldn't mean simply the denial of governmental largesse; that is, an artist who is denied federal subsidies is not the object of censorship. The word should refer to active suppression, not merely lack of support.

Chief Justice of the United States. Though usage has varied over time, this is now the generally preferred title — not *Chief Justice of the United States Supreme Court* or *Chief Justice of the Supreme Court of the United States*.

chronic is best reserved to describe diseases and physical conditions that persist over time <a chronic backache>. But it is sometimes loosely and unwisely used for *habitual* or *inveterate* — e.g.:

- "High school football coaches are *chronic* [read *habitual*] exaggerators." Jim Browitt, "Timberline, Lapwai in Crucial CIL Game," *Lewiston Morning Trib.* (Idaho), 1 Oct. 1993, at B4.
- "Albert's lawyer, Roy Black, . . . [claimed] that Albert's accuser had a pattern of threatening past boyfriends, was a *chronic* [read *habitual*] liar and was mentally unstable." "Albert Pleads Guilty in Sex Case," *Sacramento Bee*, 26 Sept. 1997, at A1.

CHRONOLOGY. Many writing problems — though described in various other ways — result primarily from disruptions in chronological order. In narrative presentations, of course, chronology is the essential organizer. The brain can more easily process the information when it's presented in that order. So generally, the writer should try to work out the sequence of events and use sentences and paragraphs to let the story unfold.

. . .

[C]onsider the more subtle problem presented by a legal issue phrased (as lawyers generally do it) in one sentence:

> Is an employee who makes a contract claim on the basis that her demotion and reduction in salary violate her alleged employment contract, and who makes a timely demand under the Attorney's Fees in Wage Actions Act, disqualified from pursuing attorney's fees under this statute without the court's addressing the merits of her claim?

Now let's date the items mentioned in that statement:

> Is an employee [hired in Oct. 1997] who makes a contract claim [in Sept. 1998] on the basis that her demotion and reduction in salary [in June 1998] violate her alleged employment contract [dated Sept. 1997], and who makes a timely demand [in Aug. 1998] under the Attorney's Fees in Wage Actions Act, disqualified from pursuing attorney's fees under this statute without the court's addressing [in May 1999] the merits of her claim?

The dates (which no one would ever actually want in the sentence) show that the sentence is hopelessly out of order. We improve the story line by highlighting the chronology — and we make the issue instantly more understandable:

> Lora Blanchard was hired by Kendall Co. as a senior analyst in October 1997. She worked in that position for eight months, but in June 1998 Kendall demoted her to the position of researcher. Two months later, she sued for breach of her employment contract and sought attorney's fees. Is she entitled to those fees under the Attorney's Fees in Wage Actions Act?

Of course, part of the improved story line comes from the enhanced concreteness that results from naming the parties. But the main improvement is finding the story line.

Remember: chronology is the basis of all narrative.

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steeletm@law.wfu.edu

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mbhyman@muchshelist.com

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kimblej@cooley.edu

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Planning

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gspivey@courts.state.ny.us

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beverly.ray.burlingame@tklaw.com

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Best Attendance Ever at Annual Meeting

This year's Scribes Annual Meeting, held at the Ritz-Carlton Hotel in Buckhead, GA, on August 7, was attended by 60 members. Scribes members and their guests enjoyed the luncheon meeting, awards presentation, and some well-chosen door prizes. Thank you to those who made this year's meeting such a success.

Professor Polly J. Price and Book Award winner Jonathan Lurie.

Slaughterhouse Cases Wins Scribes Book Award

This year's recipient of the Scribes Book Award is *The Slaughterhouse Cases: Regulation, Reconstruction, and the Fourteenth Amendment*, by Ronald M. Labbé and Jonathan Lurie. The authors collaborated to produce a masterful study of the first case to interpret the Fourteenth Amendment. Impressively researched, the book presents the Slaughterhouse Cases in a way that makes its subject accessible to novice and expert alike.

Ronald M. Labbé is a professor emeritus of political science at the University of Lousiana at Lafayette and has published works on Lousiana law and politics. Jonathan Lurie is professor of history and adjunct professor of law at Rutgers University and the author of books about military justice.

Michael Hyman, Chair of the 2004 Scribes Book Award Committee, (center) with the winners: Jonathan Lurie and Ronald M. Labbé.

Professor Lawrence M. Friedman, last year's winner of the Scribes Book Award, wrote about *The Slaughterhouse Cases*:

> An oustanding book, deeply researched and beautifully written. The authors examine with great skill and care the social and political background and the legal implications of one of the pivotal cases of American constitutional history. In every way, this is a vivid, intriguing, illuminating case study: a model for work of this kind.

The judges of the Scribes Book Award for 2004 were Michael B. Hyman (chair), Beverly Ray Burlingame, Robert Markle, Steve Sheppard, Judge Stuart Shiffman, and Randall Tietjen.


Book Award winner Ronald M. Labbé signs copies for Scribes members at the annual meeting.

The Michigan Court of Appeals Joins Scribes.

If a court joins as an institutional member, all the court's judges automatically become members of Scribes. The annual dues, as for any institutional member, are $650 (or $350 if the court has fewer than 10 members). For more information, contact our executive director, Glen-Peter Ahlers, at gahlers@mail.barry.edu.

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We Want to Know.

Please send us news about your publications, promotions, presentations, awards, and the like. Scribes members want to know.

Send your news to: siegelj@cooley.edu.

News From Our Members

Judge Edward D. Re, the first Chief Judge of the United States Court of International Trade, has been appointed by the White House to serve on an Extraordinary Challenge Committee under the North American Free Trade Agreement (NAFTA). The Extraordinary Challenge Committee will review the final decision of a bi-national panel that considered the "Full Sunset Review" of the United States Department of Commerce, International Trade Administration, *In re Pure Magnesium from Canada* (a trade dispute under NAFTA). Judge Re, a Colonel of the United States Air Force Judge Advocate General's Department (ret.), is Distinguished Professor of Law Emeritus at St. John's University School of Law.

Judge H.F. "Sparky" Gierke assumed the office of Chief Judge of the United States Court of Appeals for the Armed Forces on October 1, 2004.

Steven H. Sholk, of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C., Newark, NJ, published an article, "A Guide to Election Year Activities of Section 501(c)(3) Organizations" in the May 3, 2004, issue of *Tax Notes Today* (electronic version).

Thomas M. Steele, Wake Forest School of Law, Winston-Salem, NC, is the chair-elect of a proposed Association of American Law Schools section on Law Practice Management. Tom has authored *Materials and Cases on Law Practice Management: A Learning Tool for Law Students* (Lexis-Nexis, 2003). And Tom recently spoke at a MacCrate Report Symposium at Pace University School of Law; his topic was "The Teaching of Skill Nine, Law Practice Management."

Thomas M. Susman, of Ropes & Gray LLP, Washington, DC, published *Business Use of the Freedom of Information Act*, Bureau of National Affairs Corporate Counsel Portfolio (2004) (coauthored with Harry Hammitt), and "Libraries and the USA Patriot Act," a chapter in *Bowkers Annual*, June 2004. Tom was elected to the Board of Trustees of the National Judicial College in Reno, NV.

Scribes Board Members

(Left to right) Scribes member Joe Kimble with the 2004 Book Award winners, Jonathan Lurie and Ronald M. Labbé.

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Glen-Peter Ahlers, Sr.
Scribes Executive Director
Barry University
Dwayne O. Andreas School of Law
6441 East Colonial Drive
Orlando, FL 32807-3650

Scribes Administrative Office
Barry University
Dwayne O. Andreas School of Law
6441 East Colonial Drive
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