

Little-Known Gems on Judicial Writing

Collected here, with the gracious permission of the original publishers, are three underappreciated essays on judicial writing.

The first is by Jerome Frank, the great Second Circuit jurist. (Frank originally published the piece in 1943 under the pseudonym “Anon Y. Mous,” but he fessed up in 1957.)* In critiquing the style of Justice Cardozo, Frank makes several keen observations about judicial writing, and about writing in general (“good writing is speech heightened in tone and polished in form”).

The second and third are by two English professors, Walker Gibson and Glenn Leggett. Gibson’s piece argues that opinion-writing is just as much an “art” form as literature — and that law and literature have much to offer each other. Leggett’s piece compares the style of several judicial opinions penned by some fine judicial writers, including Cardozo, Holmes, and Warren. He comments wisely on the difficult process of putting words on the page.

None of these gems are flawless, but we’ve resisted the urge to edit them. We’ve even preserved their antiquated citation form and kept their substantive footnotes, which we ordinarily disallow. We think you’ll agree that all three deserve a second look.

— The Editors

* See Jerome Frank, *Some Reflections on Judge Learned Hand*, 24 U. CHI. L. REV. 666, 672 n.8 (1957).

