

The Resource Page: Focus on Legal Writing



BOOKS

Bryan A. Garner, *A Dictionary of Modern Legal Usage*. Oxford Univ. Press, 2d ed. 1995 (\$65.00). 951 pp.

Like a normal dictionary, its entries are alphabetical, but this dictionary covers questions of usage, not definitions. From standard questions like when to use "which" and "that" or "affect" and "effect" to legal-specific issues like the proper use of the word "precedent" or whether you can use the word "conclusory" even though it's not in the dictionary, Bryan Garner supplies good advice that's clearly written. He also provides good sources, like the citation to *Greenwood v. Wierdsma*, 741 P.2d 1079, 1086 n.3 (Wyo. 1987) ("[W]e like the word *conclusory*, and we are distressed by its omission from the English language. We now proclaim that henceforth *conclusory* is appropriately used in the opinions of this court.").

Merriam-Webster's *Dictionary of English Usage*. Merriam-Webster, Inc., rep. ed. 1993 (\$21.95). 992 pp.

For those of you who like to hear opposing viewpoints, this is a great

SUGGESTIONS FOR THE RESOURCE PAGE

Each issue of *Court Review* features The Resource Page, which seeks to help judges find solutions to problems they may be facing, alert them to new publications, and generally try to provide some practical information judges can use. Please let us know of resources you have found useful in your work as a judge so that we can tell others. Write to the editor, Judge Steve Leben, 100 N. Kansas Ave., Olathe, Kansas 66061, e-mail: sleben@ix.netcom.com.

English usage book. It draws from dozens of other usage authorities, telling you what's generally accepted and, when appropriate, why some disagree with the generally accepted position.

The American Heritage Book of English Usage: A Practical and Authoritative Guide to Contemporary English. Houghton Mifflin Co. (paperback), 1996 (\$14.00). 290 pp.

Inexpensive but accurate advice is available in this book, which reports in many cases on the opinions of the 158-member American Heritage Usage Panel. Where else can you learn that most of the panel members believe that only women can be called *vivacious*, while only men can be considered *debonair*? Or, in a usage question that may have legal implications, that only 43 percent of the usage panel believe that *wanton* can apply either to men or women. Usage panel members at the time of publication included Justice Antonin Scalia, Carl Sagan, Senator Daniel Patrick Moynihan, James Michener and Garrison Keillor.

Bryan A. Garner, *The Elements of Legal Style*. Oxford Univ. Press, 1991 (\$27.50). 236 pp.

This guide is specifically modeled after the best known general writing style manual, Strunk & White's *The Elements of Style*. It includes much good advice, with a majority of the book devoted to advice specific to legal writing.

Black's Law Dictionary, pocket edition (Bryan A. Garner ed.). West Publishing Co. (paperback), 1996 (\$24.75). 701 pp.

In many ways, this version of *Black's Law Dictionary* is superior to its 1,657-page, hardback cousin. Its definitions are clear, concise and up-to-date. The book is a good one to keep handy at your desk.



USEFUL INTERNET SITES

HyperGrammar

<http://www.uottawa.ca/academic/arts/writcent/hypergrammar/>

Don't want to plunk down \$65 for Bryan Garner's legal usage dictionary? Well, the Web won't give you the same depth of coverage, but you can find the basic rules here at HyperGrammar or at Jack Lynch's site listed below. If you can't remember when it's proper to use a colon or the answer to other basic punctuation questions, this site is a good place to go for the answer.

Jack Lynch's Guide to Grammar and Style

<http://andromeda.rutgers.edu/~jlynch/Writing/>

English professor Jack Lynch of Rutgers University has put together this highly readable site containing basic grammar rules and lots of style suggestions. It is one of the best grammar sites available on the Web.

Strunk's Elements of Style

<http://www.columbia.edu/acis/bartleby/strunk/>

Columbia University has put William Strunk's original, 1918 style manual on the Web, complete with hypertext links. His statements of the rules remain authoritative.

Peter Martin's Legal Citations

<http://www.law.cornell.edu/citation/citation.table.html>

Professor Peter Martin of Cornell Law School has a Web site devoted to helping you figure out the correct citation form according to the current edition of *The Bluebook: A Uniform System of Citation*. You can easily find sample citations to cases, statutes, books and articles.

Court Review thanks Professor Joseph Kimble for his helpful suggestions as we prepared our list of legal writing resources.



The Resource Page



NEW PUBLICATIONS

Rod Smolla, *Deliberate Intent: A Lawyer Tells the True Story of Murder by the Book*. Crown Publishing, 1999 (\$23). 288 pp.

If you find the article on the *Hit Man* case at page 46 of this issue of interest, this just published book will give you all of the details of the case. Author Rod Smolla is a law professor at the University of Richmond whose prior book, *Free Speech in an Open Society*, is a strong voice for free speech and an open culture. Smolla was one of the plaintiff's lawyers who took on Paladin Press in the *Hit Man* case. This book provides insight to the handling of the case and a scholar's discussion of the First Amendment issues as well.

National Center for State Courts, *Report on Trends in the State Courts: 1998-1999 Edition* (Anne Skove ed.). National Center for State Courts, 1999 (free). 65 pp.

If you look at the title of this publication and think *boring*, you're wrong. This is one of the most readable discussions of current trends in the courts that you can find anywhere. There are 18 contributors, all experts in their areas, who have written mini-summaries of the state of things in areas of current developments. Coverage includes a five-page summary of drug courts; a discussion of racial profiling and the courts; an overview of the issues involved in the admission of digital photographic evidence; a summary of New Jersey's pilot ombudsman programs; description of several leading judicial outreach programs; and a comparison of kiosks versus Web sites for public access to court information. The report can be obtained free by calling the NCSC Information Service at

1-800-616-6164 or you can download it from the Web at <http://www.ncsc.dni.us/is/product2.htm>.

National Center for State Courts, *Examining the Work of State Courts, 1997: A National Perspective from the Court Statistics Project* (Brian J. Ostrum & Neil B. Kauder eds.). National Center for State Courts, 1999 (\$25). 108 pp.

Produced by the NCSC's Court Statistics Project, this report thoroughly analyzes caseload data state by state and nationwide. Among the findings: civil and criminal case filings are growing about three times faster than U.S. population; tort lawsuits fell by nine percent in the past decade; and the Welfare Reform Act of 1996 has led to a decline in the number of paternity and interstate support filings. A ten-page section discusses the use of weighted caseload analysis to review judicial workloads. A companion book, *State Caseload Statistics, 1997*, can be ordered at a combined price for the two of \$35.

Robert G. Boatright & Beth Murphy, *Behind Closed Doors: A Resource Manual to Improve Jury Deliberations*. American Judicature Society, 1999 (\$25). 51 pp.

This is the full manual describing the new *AJS Guide for Jury Deliberations*, described in an article by the same authors on page 38 of this issue.

American Judicature Society, *Enhancing the Jury System: A Guidebook for Jury Reform*. American Judicature Society, 1999 (\$25). 48 pp.

This monograph provides an overview of the jury reform efforts in the past few years in Arizona, New York, California, Colorado and the District of Columbia; it describes the work and makeup of each jurisdiction's jury reform commission and tells which of the recommended reforms have been adopted. The

authors also give advice on how to start a similar process in your jurisdiction.

Robert G. Boatright, *Improving Citizen Response to Jury Summonses: A Report with Recommendations*. American Judicature Society, 1999 (\$25). 144 pp.

The one thing we know when large numbers of summoned jurors fail to report is that the jury ultimately chosen is not going to be fully representative of the community. This report carefully examines the available options for dealing with the problem.



INTERNET SITES OF INTEREST

National Center for State Courts
<http://www.ncsc.dni.us>

We've mentioned the NCSC site before and we'll probably mention it again, but if you haven't visited it for awhile, take a look. It can take a bit of work to navigate through it, but you're quite likely to find things of interest. Listed below are some of the parts you might be interested in.

- For a list of Web search engines, go to http://www.ncsc.dni.us/s_tools.htm.
- The NCSC Information Service makes available its judicial salary surveys, court statistics, and reports issued for the past several years at <http://www.ncsc.dni.us/is/product2.htm>.
- To see how your court's Web site compares to others – or to look at others before you set up your own, go to <http://www.ncsc.dni.us/COURT/SITES/Courts.htm> for a list of sites throughout the U.S.

FOCUS ON LEGAL WRITING

The Resource Page focuses on resources that can help you with legal writing on page 55.