Legal Writing Mechanics: A Bibliography

Margaret Hannon
University of Michigan, mchannon@umich.edu

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I. Introduction

Great legal writing is about more than mechanics. But careful attention to legal writing mechanics is nevertheless critical for effective, clear, and persuasive writing. Proper grammar, usage, and correct punctuation makes analysis clearer and therefore more effective. It also shows the reader that the writer has paid close attention to detail, which makes the reader more likely to find the writer credible.1 Relatedly, communicating in plain language is critical to making sure that “readers can easily find what they need, understand what they find, and use that information.”2 And proper citation—or even better, stylish citation3—helps the reader easily understand what kind of persuasive value the cited authority has, how the cited authority supports the proposition, and where to find the cited authority, all without requiring the reader to read the authority themselves.

Because legal writing mechanics are so essential to effective communication for all legal writers, this bibliography aims to collect resources that explore various types of legal writing mechanics, identify best practices with respect to each of these fundamental aspects of legal writing, and advance our understanding of how legal writing mechanics contribute to overall communication.

* Clinical Professor of Law, University of Michigan Law School. Thank you to Hannah Shilling for their invaluable research assistance and to Ted Becker, Alexa Chew, and Beth Wilensky for their feedback. Many thanks also to Ruth Anne Robbins for encouraging me to write this bibliography and to Kristen Murray and Hadley Van Vactor Kroll for their exceptional editing.

1 Michael R. Smith, Advanced Legal Writing: Theories and Strategies in Persuasive Writing 186–87 (2d ed. 2008) (explaining that strong command of grammar, usage, and punctuation is essential to the writer’s credibility).


3 Alexa Z. Chew, Stylish Legal Citation, 71 Ark. L. Rev. 823 (2019).
II. The bibliography

Legal writing scholars have invested a significant amount of time and energy in examining legal writing mechanics and setting out best practices. This bibliography gathers these resources and divides them into three broad categories: grammar, usage, and punctuation; plain language; and citation.\(^4\) There is some unavoidable overlap between these categories, so where books or articles could be placed into more than one category, I have attempted to assign each to its primary category. My goal is for this bibliography to serve as a resource for any legal writer, whether practitioner, academic, law student, or judge. I also hope that this bibliography will inspire future scholarship on legal writing mechanics.

This bibliography does not include visual aspects of legal writing such as document design, typography, or images, though those topics could also fall into the broad category of legal writing mechanics. Readers interested in learning more about those areas should consult Ellie Margolis’s excellent bibliography on Visual Legal Writing.\(^5\) In addition, this bibliography does not include materials focused on legal writing pedagogy and generally excludes bar journal articles, though I hope that the materials included here will nonetheless be helpful resources for teachers and practitioners. For example, many legal writing textbooks cover these topics, but these textbooks have generally been excluded from this bibliography. This bibliography also excludes materials focused specifically on contract drafting.

A. Grammar, usage, and punctuation

Grammar, usage, and punctuation are critical components of effective legal writing because they have a profound impact on the readability and meaning of a document.\(^6\) As a result, there is a robust body of work focusing on proper grammar, usage, and punctuation; how proper grammar, usage, and punctuation affects legal analysis; and how grammar, usage, and punctuation can be used as tools for effective legal writing style.

Legal scholars have paid particular attention to passive voice, the doctrine of the last antecedent, and, most recently, pronouns and the use of the singular they. On the punctuation side, scholars debate the use of the Oxford (or serial) comma, hyphens, and the possessive apostrophe.

\(^4\) In general, this bibliography takes a descriptive approach in that it does not choose between various options for how language should be used but instead compiles resources addressing a range of approaches. In some areas, however, the bibliography is prescriptive in that it focuses on resources that have advocated for legal writers to make particular choices in their writing. See, e.g., infra section II.B.


Some of the books listed below are style manuals that do not focus exclusively on grammar, usage, and punctuation, but they are included in this bibliography because they include significant discussion of those mechanics specifically in the context of legal writing. Most of the books included in this bibliography are focused specifically on legal writing, but I’ve included a few others that are especially helpful for legal writers. For example, *Dreyer’s English* is particularly helpful for legal writers: it tackles persistent language errors, reinforces good habits, and encourages concision. Similarly, while Strunk & White is not written for legal writers, many legal writers have treated it as authoritative on matters of grammar and style, particularly because of its focus on clarity, brevity, and boldness.

**Articles**


Jill Barton, *Supreme Court Splits ... on Grammar and Writing Style*, 17 *Scribes J. Legal Writing* 33 (2017).


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**Books**


B. Plain language

Since the early 1990s, most legal writing experts have advocated for the use of “plain language” rather than legalese.9 Plain language, also referred to as plain English, is about more than vocabulary: “It involves all the techniques for clear communication—planning the document, designing it, organizing it, writing clear sentences, using plain words, and testing the document whenever possible on typical readers.”10 Writing in plain English helps readers better understand what they are reading, leads to fewer questions about what they have read, and saves readers time and money.11

It would be difficult to include every plain language resource here because of the large volume of work on plain language communication, so this list focuses on the most authoritative works. This includes numerous works by Professor Joe Kimble, a leading expert on plain language. While

10 Joseph Kimble, Writing for Dollars, Writing to Please, 6 Scribes J. Legal Writing 1, 3 (1997).
11 Id.
there have been critiques of plain language, this bibliography takes the perspective that writing in plain language is essential to effective communication.

In addition to the articles and books listed below, readers interested in plain language may be interested in *Clarity*, an international plain language organization that publishes *The Clarity Journal*. The Plain Language Action and Information Network, a “working group of federal employees from different agencies and specialties who support the use of clear communication in government writing,” also provides extensive resources on its website. Finally, the *Michigan Bar Journal* publishes a monthly Plain Language column that is “widely read outside Michigan” and “the longest-running legal-writing column in any journal.”

**Articles**


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14 Available at [https://www.clarity-international.org/clarity-journal/](https://www.clarity-international.org/clarity-journal/). *The Clarity Journal* “features the latest plain language research, practical advice, before-and-after examples, success stories, campaign strategies and much more.”


**Books**


C. Citation

Citation manuals

The legal profession loves rules, and citations are not immune from our affection. The inaugural edition of *The Bluebook* was published in 1926, and it is now in its twenty-first edition. Law journals began adopting *The Bluebook* in the 1930s, and it eventually became the citation guide most widely used by academics and practitioners. *The Bluebook* is now marketed as the “definitive style guide for legal citation in the United States.”

The *ALWD Guide*, initially published in 2000, is another commonly adopted citation manual. The *ALWD Guide* focuses on citation forms used by practitioners, and compared to *The Bluebook*, is recognized as a more user-friendly and more easily taught citation manual.

Another, lesser-used alternative to *The Bluebook* is *The Indigo Book*, which distinguishes itself from *The Bluebook* and other citation manuals by being free of charge, making it a more easily accessible resource. In addition, because it is in the public domain, its creators hope that users will copy it, distribute it, and improve on it. The *Universal Citation Guide* from the American Association of Law Libraries, on the other hand, is not designed to compete with *The Bluebook* but to complement it “by effectively bridging the gap between the current print-based citation forms and the technology-based future of legal information.”

This bibliography does not include jurisdiction-, court-, and journal-specific citation guides because they are not widely adopted.

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18 Susie Salmon, *Shedding the Uniform: Beyond a “Uniform System of Citation” to a More Efficient Fit*, 99 Marq. L. Rev. 763, 775 (2016).
19 Alex Glashausser, *Citation and Representation*, 55 Vand. L. Rev. 59, 62 (2002).
20 *The Bluebook: A Uniform System of Citation* 1 (Columbia L. Review Ass’n et al. eds., 21st ed. 2020).
21 Salmon, supra note 18, at 784.
22 Id. at 777, 787.
24 Id.
29 Interestingly, individual courts are taking the lead in promoting open access to the law, as they are among the first to permit or require vendor-neutral citation. Coleen M. Barger, *The Uncertain Status of Citation Reform: An Update for the Undecided*, 1 J. App. Prac. & Process 59, 89 (1999).
American Association of Law Libraries Committee on Citation Formats, Universal Citation Guide (3d ed. 2014).

The Bluebook: A Uniform System of Citation (Columbia L. Review Ass’n et al. eds., 21st ed. 2020), also available online at legalbluebook.com.


Select citation manual reviews

With The Bluebook’s popularity came “strident criticism,” dating back to at least the 1940s. For example, one critic (hyperbolically) complained that “[t]he operating principle of the Bluebook is that ‘NATURE ABHORRETH A VACUUM,’ so the Bluebook has provided a way to cite every single source since the invention of papyrus.”

Because there is such an extensive history of critique of citation manuals, providing an exhaustive list of reviews would be challenging. So, this list includes only select reviews, focusing in particular on foundational and more recent reviews and reviews with a broader focus than changes to the most recent edition at the time. In addition, it focuses on reviews of The Bluebook and The ALWD Guide and does not include reviews of other citation manuals. Finally, this list does not include study guides on citation.


A. Darby Dickerson, An Un-Uniform System of Citation: Surviving with the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form), 26 Stetson L. Rev. 53 (1996).

30 Glashausser, supra note 19, at 63; Salmon, supra note 18, at 779.


Alex Glashausser, *Citation and Representation*, 55 Vand. L. Rev. 59 (2002).


### Citation form and its impact

Legal citation has existed in some form since ancient Rome, so it is perhaps not surprising that practitioners, law students, and academics have spent considerable energy focused on its importance and impact. Citations are a critical component of legal analysis because they communicate to the reader both how to find the authority that supports a legal argument and the weight of that support. Citations, therefore, serve as a crucial connection between the legal argument and the basis for that argument.

As a result, scholarship in this area is about more than just form.

A significant amount of scholarship on citation addresses its broader impact beyond its use in a particular legal document. For example, traditional citation form impacts where legal researchers conduct their research because it directs researchers to “traditional systems developed for references to print sources.” This, in turn, limits open access to the law. In addition, there are costs associated with conforming to uniform citation codes, including time spent teaching citation format as well as the time spent checking and revising citations. These costs, then, may

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32 Salmon, *supra* note 18, at 772–73.

33 Alexa Z. Chew, * Citation Literacy*, 70 Ark. L. Rev. 869, 872–73 (2018).


35 Barger, *supra* note 29, at 60.

36 See *id.* at 61.

contribute to exacerbating existing inequities in the legal system. On the other hand, citations can also be used as a tool to confront the failures of the legal system and its legacy of slavery.

While citation is not just about the form of a citation itself, the form of a citation is nevertheless important. Resources abound as to citation form more generally as well as specific aspects of citation form such as the use of signals, parentheticals, and quotations.

Scholars have spent considerable time debating the benefits of inline citations versus the use of footnoted citations. While Bryan Garner advocates for footnoted citations, most other legal writing experts conclude that inline citations are preferable for the reader, and those resources are included in a separate section below. This debate has been addressed extensively in bar journals, particularly with respect to local practices and issues. However, because bar journals are excluded from this bibliography, those articles are not included here.

This bibliography excludes legal citation resources focused on scholarly citation and scholarly citation counts as outside of the scope of this bibliography. In addition, this bibliography excludes resources that overlap with the concept of citation but which are not focused on the citations themselves. This includes, for example, scholarship on the weight of authority and the differences between unpublished and unreported cases.

**Articles on citation**


Alexa Z. Chew, *Citation Literacy*, 70 Ark. L. Rev. 869 (2018).

Alexa Z. Chew, *Stylish Legal Citation*, 71 Ark. L. Rev. 823 (2019).


Ian Gallacher, *Cite Unseen: How Neutral Citation and America’s Law Schools Can Cure Our Strange Devotion to Bibliographical Orthodoxy and the Constriction of Open and Equal Access to the Law*, 70 Alb. L. Rev. 491 (2007).


Susie Salmon, *Shedding the Uniform: Beyond a “Uniform System of Citation” to a More Efficient Fit*, 99 Marq. L. Rev. 763 (2016).


**Articles on inline citations versus footnoted citations**


