Book Reviews

Lessons for the Unschooled

C. Edward Good, *Mightier Than the Sword: Powerful Writing in the Legal Profession.* Charlottesville, Va.: Blue Jeans Press, 1989. Pp. 247. $12.95.

Joseph M. Williams, *Style: Ten Lessons in Clarity and Grace.* 3d ed. Glenview, Ill.: Scott, Foresman and Company, 1989. Pp. 241. $14.50.

Within the community of American legal education, we seem to have arrived at the conclusion during the last decade or so that we can presume little about the critical dexterity of our students when it comes to English grammar, usage, and style. I find it ironic that law students frequently approach me after my seminar in plain English to confide that my use of linguistic terms leaves them in the dark, especially since I make a conscious effort to keep my vocabulary fairly basic: I rarely go beyond the level of subject and predicate, preposition and object, transitive and intransitive. Given the theory that the more dextrous the wordsmith the more adroit the lawyer, we need to reach these students. Fortunately, several new books recognize the need to school the unschooled in the vagaries of effective written expression.

Richard Wydick's superb little book, *Plain English for Lawyers*, followed on the heels of David Mellinkoff's *Legal Writing: Sense and Nonsense.* The latter validated the plain language movement probably more than any other single work, and while Professor Mellinkoff remains the acknowledged master of the field with *The Language of the Law,* two features seem to differentiate the approach of *Plain English*

from that of *Sense and Nonsense.* These features may have contributed to the recent evolution of texts in this field.

The first of these features is a matter of arrangement. While *Sense and Nonsense* divides into three parts ("The Seven Rules," "Blunders and Cures," and a series of lexical "Appendixes"), *Plain English* delivers itself to the reader in eight chapters, chapters that are in fact lessons meant to be mastered in the old rote, serial, hornbook manner. To aid in this learning process, exercises accompany each chapter. What was a poignant challenge to the absurdity of self-perpetuating legalese in *Sense and Nonsense* became a field manual for its conquest in *Plain English.*

While more a matter of degree than of kind, the second distinguishing feature between these two fine books is that Wydick does not hesitate to slouch into the vernacular. Though Mellinkoff does indeed coin *lawsick* and gather Old and Middle English words, coupled synonyms, and old formalisms under the rubric "junk antiques," he sticks largely to a traditional critical vocabulary drawn from grammar and linguistics. Wydick, on the other hand, invents such categories as "working words" and "glue words" to distinguish for the modern (i.e., unschooled) student between open-class and closed-system parts of speech.

Wydick's underlying assumption seems sound: Critical terminology drawn from traditional grammar is useful only so far as it will sharpen the student's critical facility with language; beyond that, it may be avoided. A concomitant danger exists, though: To the extent that vernacular categories lack the precision of traditional ones, they function as duller tools and may, therefore, produce less finely carved verbal artifacts. Clearly, some compromise needs to balance the interests of precision against the time and energy available for mastery. This seems especially true in the context of legal education, where not so long ago a critical facility with language could be presumed at the admission threshold.

Only so much time can be made available in the curriculum for what has become a nearly universal need for remediation (if we wish lawyers to be masters of the language).

Two more recent books, one for a general and the other for a legal audience, have come a long way toward achieving those goals. Professor Joseph M. Williams, of the University of Chicago, has brought out three editions of *Style* since it first appeared in 1981, each successive edition better than the last. While it is not specifically tailored to law students, it is well suited for use in the professional-school environment (and, for that matter, in a clerk's or new associate's office).

As its full title bespeaks, this book—like Wydick's—is meant to be consumed in lessons, which proceed from the simple to the more complex. Clarity, cohesion, emphasis, and concision are handled in the first half of the book; the second half addresses sprawl, long sentences, and some broad issues of rhetoric, punctuation, and style. Each section is rich with examples that are meaningful to the audience to whom Williams addresses his preface: "Those Who Write on the Job." Drawn largely from the language of academicians, bureaucrats, doctors, and lawyers, these examples are mirrored in exercises that follow nearly every section of the book.

The writing exercises in *Plain English* and *Style* are major assets. To alter those habits of mind involved in drafting and editing, students need to do more than comprehend lessons; they need to adopt them. This goal can be realized only by putting pen to paper. By including "Some Possible Revisions" for half the exercises at the back of the book, Williams offers the opportunity for immediate feedback without unduly tempting the student by offering solutions to all the problems (as Wydick does).

Because it is designed specifically for the advanced learner of English composition, *Style* confronts the problem of the unschooled unabashedly and directly. It includes a 12-page grammatical glossary, which Williams calls "merely re-

liable advice about how to understand the terms in this text, for the purposes of this text." In fact, the glossary (which ranges in complexity from "noun" to "complement") constitutes an ingenious little lexicon that allows the author to address in his text fairly complex linguistic matters in relatively traditional fashion, and therefore with substantial precision. In combination, the structure and content of *Style* in its ten serial lessons—its examples, its exercises, and its glossary—make it one of the best books of its kind on the market.

I have used it in my seminar for some five years now with appreciable success. My only complaints are that it may be too terse and that it may share with Wydick's *Plain English* an occasional tendency to use nontraditional explanations. *Style*'s treatment of the passive voice provides a good case in point here, for the passive is certainly up there among the top ten hobgoblins for critics of legal writing.

Williams's treatment of the passive appears in his second lesson, "The Grammar of Clarity"; it is neither simple-minded nor an oversimplification. His advice is sound: "avoid unnecessary passive verbs." His discussion, which includes a delineation of exceptions, is well focused upon the goal of clarity. But that discussion may begin at too lofty a point for our unschooled pupils, and it may go too far in its attempt to accommodate them.

What is a "passive verb"? We know that the passive verb phrase includes a form of the auxiliary *be* followed by the past participle (the *-ed* participle) of the main verb, but I know of no such lexical item as a "passive verb." When we turn to Williams's glossary for help, we find, under "active":

> A passive verb always has as its subject that which its action is directed toward. It always occurs in its past participle form after a form of *be* (or *get*):
>
> The results have been checked.
>
> The results are being checked.

So Williams seems to be using a kind of shorthand, as an accommodation to the student, to refer to the *-ed* participial form within the passive verb phrase as a "passive verb." This is clear enough to me, but less so to many of my students. And to frustrate the situation further, I have been known to respond to puzzled looks by lapsing into a lengthy disquisition about intension and extension, transitivity and intransitivity, full and truncated passives, and so on. Since few of these notions are treated by Williams, my exposition tends to darken already murky waters for most students. (I ultimately designed a supplementary handout.)

Williams's treatment of the passive—an obviously well-intentioned design to accommodate the unschooled through a streamlined departure from traditional grammar—backfires. Let me emphasize, though, that this flaw is by far the exception rather than the rule in *Style.*

Curiously enough, it was the passive that led me deeply into Good's *Mightier Than the Sword.* Intrigued by the book's general format (19 rules of good writing), its tone (first-person familiar), and its author's background (legal-writing teacher, Tom C. Clark Fellow, purveyor of seminars on persuasive writing), I turned directly to the seventh chapter: "The Great Debate—Active vs. Passive Voice." I liked what I found.

Mr. Good devotes a full 16 pages to his discussion of the passive, compared to three in Wydick's *Plain English* and five in Williams's *Style.* Perhaps more importantly, Good develops his discussion from the ground up, beginning with a humorous anecdote from academe, then leading the reader from a fairly basic to a fairly sophisticated level of understanding using traditional grammatical terms. This kind of accommodation of the unschooled makes a great deal of sense.

The anecdote, which recounts an exchange in a faculty lounge, conveys a message of pedagogical value. In effect, he says: It is okay for you to feel ill at ease with the passive be-

cause so did I as a legal-writing instructor. He confides in his audience that the community of the unschooled may be larger than it thinks. He then goes on to put some very elementary building blocks in place: "I'll back up to square one and assume that you aren't exactly sure of the precise differences between the active voice and the passive voice."

Of course, that assumption is sound for most of his audience. Since "voice pertains only to transitive verbs," Good develops the distinction between transitive and intransitive and provides a straightforward test for their identification. Only then does he define active and passive and take us through their full declensions so as to leave no doubt about what they look like. He shows us how the passive is transformed from the active and how the process can be reversed. Later, he explains the preference for the active over the passive (it is "weak," "wimpy," "passive") and, finally, he describes the major linguistic environments where the passive is preferable. In short, Good's treatment of the passive leaves little to be desired.

A similar degree of completeness and sophistication is evident in nearly all of the first nine chapters in *Mightier Than the Sword.* Like Mellinkoff, Wydick, and Williams, Good selects appropriate linguistic topics to focus on, topics that seem to cause the most difficulty for legal writers. His chapters on the power of strong verbs and the limitations of the intensive *be* provide solid advice for advanced writers. His chapter on concise diction begins at the level of the word ("It is time to learn the power of short, Anglo-Saxon words") and goes on to modification and negation. His clever chapter on sexism in language ("His/hermaphroditism") makes its point, offers solutions, and—like the other 18 lessons in the book—ends with a simple rule: "Be fair and nonsexist, but don't be stupid." Taken as a whole, these 19 rules make an excellent checklist for any writer.

The final three chapters in *Mightier Than the Sword,* designed specifically for the first-year law student, teach writing in a legal context; specifically, they instruct the student how to write a memorandum of law. As an additional bonus, the twelfth chapter contains an entire "library" of statute and case language. A sample memorandum follows.

Good's book is a splendid addition to the literature on the language of the law. I would adopt it for my course in a moment if it included exercises. When he adds them or when I get around to drafting my own, I will.

No instructor of legal writing could go far wrong by adopting any of these four books. Each fills its own niche and each requires some amount of supplementation. Though there is obviously a problem out there, it is high time that we stopped leveling indictments at the grammar-school teachers, the high-school teachers, the teaching assistants, and the college professors for sending us the unschooled; it is time we schooled them. Books like these, and especially Good's *Mightier Than the Sword,* make that formidable task manageable.

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The Practicing Writer

Veda R. Charrow and Myra K. Erhardt, *Clear and Effective Legal Writing*. Boston: Little, Brown and Co., 1986. Pp. 351. $15.95.

Tom Goldstein and Jethro K. Lieberman, *The Lawyer's Guide to Writing Well*. New York: McGraw-Hill Pub. Co., 1989. Pp. 253. $19.95.

Richard H. Weisberg, *When Lawyers Write*. Little, Brown & Co., 1987. Pp. 317. $45.

The past decade has seen a boom in legal-writing books. Responding to complaints by influential alumni that recent graduates cannot write, many law schools have strengthened the first-year legal-writing programs; not trusting to the trickle-down effect of improved law-school programs, major law firms hire writing consultants at $200 an hour. Authors and publishers recognize a market, and legal-writing books are proliferating. Here are three of the better ones.

Growing out of a three-year project at the Document Design Center, Charrow and Erhardt's *Clear and Effective Legal Writing* is intended for law students. While much of the authors' advice applies to all writing, it is copiously illustrated with client letters, memoranda, appellate briefs, and agreements. These examples make this a useful book for lawyers as well as students.

The authors discuss writing as a three-step process involving prewriting, writing, and editing. This approach is useful for beginning legal writers because it forces them to recognize that much of the effort involved in writing takes place before they put pen to paper—a fact lost on many law students. By stressing this point, the authors are likely to help students reduce the amount of time they waste sitting

down and beginning a legal memorandum as a stream of consciousness. While the authors advise their readers to begin organizing the raw materials as soon as they have identified the matters to be discussed, they carefully caution against the opposite danger of overoutlining and becoming wedded too soon to an organization that may ultimately prove inappropriate.

Two complementary chapters cover the mechanics of effective writing. "Writing Clearly" consists of 13 writing guidelines that operate primarily at the sentence level. Here we find basic suggestions, such as "Write Short Sentences," "Put the Parts of Each Sentence in a Logical Order," "Avoid Intrusive Phrases and Clauses," and "Use Verb Clauses and Adjectives Instead of Nominalizations." The advice contained in the guidelines is sound, and the examples are helpful.

My only quibble concerns their advice to "Use the Active Voice Whenever Possible." Their discussion of the active and passive voice, together with explanation of the dangers of the truncated passive, is helpful. Moreover, their examples illuminate the problems that the unthinking use of the passive voice can create for unwary writers. Yet, even though their discussion concedes that in some circumstances the passive voice may be better than the active voice, the point remains undeveloped. The declaratory nature of the guideline claims too much and ignores those instances when the passive voice is preferable.

Moving from sentence-level matters to the larger organizational questions, the book devotes considerable coverage to matters of organization and rhetoric. Here, the authors raise the important but frequently overlooked point that much useful organization can be done through a document's physical layout and design, including using white space to highlight organization.

Unfortunately, in discussing the organizational structure of a legal memorandum, the authors use the syllogism

as a model. Because Charrow and Erhardt spend little time discussing legal analysis, this section omits any discussion of the problems in identifying the major premise and in defining the reach of the minor premise. This chapter may give the wrong impression about the role of deductive reasoning in law. Readers of this chapter—it is intended for neophytes—may be misled into thinking that legal reasoning proceeds with the precision and predictability of a syllogism.

All in all, though, the book is a good one for law students and lawyers who need to improve their command of the basics.

Richard Weisberg's book, *When Lawyers Write*, is intended for lawyers, although many of its examples are sufficiently concrete to make the book usable in law-school writing courses. One of the book's more valuable contributions is its effort to ensure that writing improvements are long-lived. The chapters on editing in the law firm and developing in-house editing departments suggest an organizational structure capable of sustaining the hard-won benefits of improved writing.

A lengthy book, *When Lawyers Write* covers a great deal of territory in four main sections: basic writing and grammar; the importance of the audience; the importance of organization; and the demands of different types of legal writing. Like Charrow and Erhardt, Weisberg uses the guideline (he calls it a rule) to capture the essence of good writing. He devotes attention equally to words, sentences, and larger organizational questions. He synthesizes many of the specific recommendations from each of the four sections of the book into 23 rules. An eclectic amalgam of usage, grammar, style, syntax, and general advice for surviving in the law-firm environment, the rules usefully encompass matters as general as organization and as specific as the split infinitive.

After phrasing the rules in general terms—"edit every sentence you write, to spot redundancy and to eliminate ver-

bosity"—he helpfully includes examples that illustrate and make the general advice concrete.

Dividing his discussion of organization between large-scale and small-scale editing, Weisberg emphasizes the former. Chapter 11 discusses organizing documents, and chapter 12 focuses on organizing paragraphs and sentences. I would have found this chapter more useful if its discussion of sentence-level organization had been as detailed as his earlier discussion of basic writing skills. It seems to me that most writers go wrong at the sentence level, and that poor large-scale organization problems build upon smaller problems. Weisberg's discussion of sentences does not contain the detail found in Charrow and Erhardt.

While there is much to recommend Weisberg's book, I was surprised by his persistent self-praise. In discussing earlier legal-writing books, he writes:

> We owe much to those careful analysts of legal language who have published books in recent years: the David Mellinkoffs, Reed Dickersons, and Richard Wydicks who have loved the lawyer's peculiar verbal mannerisms enough to challenge them. It is time, nonetheless, to digest their offerings, to see where they have nourished us, and to integrate their contributions in a durable and sometimes vibrantly healthy corpus. [You are holding it in your hands, Weisberg implies; but why is it only *sometimes* vibrantly healthy?]
>
> Does this mean that you will put my book down having learned little about the language you use everyday [*sic*]? I think not. Instead, you can anticipate learning much . . . .

Similarly, toward the close of the book, when addressing trial judges, Weisberg touts what has preceded: "Aside, once again, from recommending the body of this book, I would

stress to the trial-level judge the need to avoid the isolation that often characterizes his task." Although I agree that *When Lawyers Write* is a useful book, I wonder why Weisberg appears compelled to trumpet its value, when most readers would have discovered it on their own. Moreover, his tone wrongly suggests that there are no other suitable works to which a lawyer could turn for help.

Goldstein and Lieberman's book, *The Lawyer's Guide to Writing Well*, has a message: The consequences of bad legal writing are worse than we thought. Bad legal writing imposes costs on society, loses cases, leads to indifference to or disrespect for the law, erodes the self-respect of the lawyers who turn out bad writing, and impoverishes society! With an indictment like that, what lawyer can avoid being drawn into the book?

Intended for attorneys, *The Lawyer's Guide* is an enjoyable and profitable read. The more than 300 quotations on the causes of and cures for legal writing provide caustic, impressionistic, and highly idiosyncratic views on legal writing. *The Lawyer's Guide* has a lighter tone than Weisberg's book, but does not offer the same detailed advice and wealth of examples.

The Lawyer's Guide begins with what has become standard fare for books on legal writing. Drawing upon responses from the authors' writing survey, and laced with quotations from Mellinkoff, Rodell, and Jonathan Swift, the first section is largely the traditional retelling of the story of legal writing. There is little new here, but the authors present an enjoyable and engaging picture of legal writing. The remainder of the book is divided into three sections: "The Process of Writing," "Making Your Prose Serviceable," and "Making Your Prose Memorable." The book also includes a glossary that serves as a brief guide to usage.

The book's structure follows the authors' thesis that writing is a twofold process: composing and editing. The

goal of composing is to get one's thoughts down on paper; the goal of editing is to present those thoughts in a way that communicates them clearly and effectively. From this distinction, the authors announce two principles of good writing: Compose early and edit late. These principles, in turn, underlie the ten steps in the writing process.

Two of the writing steps merit some discussion. The sixth, "Compose," is perhaps the most helpful for writers facing writer's block. The advice is simple—write around the blocks, get something down on paper. The tone of this chapter is upbeat and reminds me of the current advertising slogan, "Just Do It." The authors do not claim that the stream-of-consciousness approach is anything more than a device to avoid sitting all afternoon in front of a blank sheet of paper.

Because the authors distinguish between the composing and editing stages, they necessarily believe that writers cannot begin with a detailed outline because the outline is too orderly and commits one to a particular structure too early in the writing process. The value of the outline appears after the problem has been solved, when the writer needs to organize material to present it effectively. Chapter nine is devoted entirely to the importance of organizing documents to ensure that the parts fit together into a harmonious whole, with effective transitions between the various parts.

Detailed writing advice is found in the chapters on editing. In "Editing I," the authors follow the lead of Charrow and Erhardt and deal with word and sentence problems. It is here that we find brief discussions of usage, legalese, clichés, and wordiness. The authors also discuss noun plague, negatives, redundancies, nominalizations, problems with the passive voice, split infinitives, pronouns and sexism, parallelism, and misplaced modifiers. As with the other books reviewed here, the legal-writing suggestions are sound but unexceptional. Unfortunately, though, the examples are not as numerous as in Charrow and Erhardt or in Weisberg. The

authors provide only one example to illustrate most points. Without a greater opportunity for active engagement, many readers will soon lose much of the benefit of the advice.

In "Editing II, Revising Your Prose," the authors focus on editing at the paragraph and document level. They discuss structure, continuity, transitions, clarity, and punctuation. Their advice is more general than in the preceding chapter because it deals with larger writing blocks. Perhaps the most helpful piece of advice in this chapter is to edit in stages, looking first for one type of problem, such as spelling, and then editing again to look for other problems. By following this advice, the writer concentrates on one particular problem and increases the likelihood that problems of that kind will be found.

The book's final chapter, "Making Your Prose Memorable," is the most disappointing because it has the least to say. What distinguishes the memorable from the merely serviceable? If good writing is something that we recognize when we see it, without necessarily being able to define it, perhaps the best help one can provide to others is to provide examples of good writing. But what examples? If concision and trenchant statement are virtues, we can point to Holmes. But what of Cardozo's periodic sentences? Are they not equally memorable, but for different reasons?

The book's glossary, a brief guide to usage, is useful for writers with specific usage questions. Although the authors include many of the more common questions that arise in legal writing, the glossary is no substitute for the more complete *Dictionary of Modern Legal Usage*.[1]

Any of these books would be a valuable addition to your library. If you are a lawyer, consider *When Lawyers Write* and the *Lawyer's Guide*. If you want detailed advice on the many different types of writing lawyers do, you should select

1. B. GARNER, A DICTIONARY OF MODERN LEGAL USAGE (1988).

Weisberg. If you prefer a more casual and conversational approach to legal writing—an approach peppered with amusing quotations about bad legal writing—then Goldstein and Lieberman are for you. If you prefer a fairly detailed discussion of syntax, Charrow and Erhardt may be your best choice.

— *Christopher Simoni*
Tarlton Law Library
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Something for Everyone

Gertrude Block, *Effective Legal Writing: For Law Students and Lawyers*. 3d ed. Mineola, N.Y.: Foundation Press, 1986. Pp. 232. $8.50.

Lucy V. Katz, *Winning Words: A Guide to Persuasive Writing for Lawyers*. Washington, D.C.: Harcourt Brace Jovanovich, 1986. Pp. 209. $40.

Diana V. Pratt, *Legal Writing: A Systematic Approach*. St. Paul, Minn.: West Publishing Co., 1989. Pp. 422. $15.95.

I have always been shy about book-reviewing. It seems to me that no reviewer can accurately judge a lawbook without having used it in class for at least a year. Worse, a reviewer who has written a similar book is sometimes inclined to be hypercritical; it is always tempting to take potshots at another person's work. Book-reviewing is a little like editing; a verse attributed to H.G. puts it nicely:

> No passion on earth, no love or hate;
> Is equal to the passion to change
> Somebody else's draft.

Knowing this, my instinct is to bend over backward to be fair. The danger in this is that the review is liable to become no more than a public letter of congratulation—bland and useless.

What a pleasure it was, then, to examine these three books and to discover that they are all first-class. I can praise them all honestly, and as honestly recommend them to anybody who teaches legal writing. Each is designed to do some-

thing different. Which one you choose depends on what you want to do with a writing text.

Because I teach an intensive course in writing and oral advocacy, my favorite is Lucy Katz's *Winning Words*. Ms. Katz's writing on writing is as clean and plain as I could wish it, a fine example to her readers. Her writing is studded with examples that are short, excellent, and set off from the rest of the text for greater impact.

She begins with a general section on simplicity and brevity, the two cardinal virtues of any writing. She even touches, as some writers do not, on rhythm and cadence, qualities as important in legal writing as in any other kind of writing.

Unlike the other two books, *Winning Words* also includes a section on letters. Lawyers write more letters than anything else, and these letters leave on the reader an indelible impression of the writer's professional acumen. They are therefore very important indeed, aside from whatever message they convey. Yet letters are generally what lawyers do worst, and letter-writing is often completely neglected in law-school writing courses. Ms. Katz's section on letter-writing is substantial, well done, and full of useful examples. For this section alone, the book ought to be on every lawyer's desk.

Ms. Katz does not pretend to cover everything that law-school writing teachers need. Her section on the appellate brief is excellent, but there is no coverage of grammar and punctuation, oral argument, or citation. I found these omissions a failing, at least for those of us who limit the number of books we ask our students to buy.

And if you want a book that will introduce first-year students to the mysteries of studying and learning the law, *Winning Words* is not for you. It does not pretend to be an introduction to law school. It does not teach how to dissect a case and brief it for class. Nor does it teach how to outline courses or how to take law-school examinations.

So if you choose *Winning Words* as a first-year text, you must either require another book that deals with special first-semester concerns, or fill that need with other course materials. You will also, however, give your students a most valuable asset, a lawbook that they can—*mirabile dictu*—keep and use for the rest of their careers.

The book is primarily for legal professionals, and it will be a valuable asset on the desk of any attorney or paralegal who buys it. The beauty of it is that it will teach readable and effective legal writing to students as well, and can be a trusted friend through years of practice. On balance, *Winning Words* is indeed a winner, a book to use from the first year on, a book to keep in law practice and use every day.

Gertrude Block's *Effective Legal Writing* is into its third edition and remains excellent. It is a standard text in legal-writing classes, and deservedly so. But as a first-year text and lawyer's deskbook, I prefer *Winning Words.* Ms. Block does not attempt the coverage of Ms. Katz's book; the restricted coverage is both a strength and a weakness.

Some people in the legal-writing business argue that we cannot teach basic grammar and style in law school. It is too late, they say; there is no time to make up for years of neglect and poor teaching in high school and college. Maybe so, but a lot of us try, including this reviewer. And for teaching grammar and basic style, there is no better book than *Effective Legal Writing.* Perhaps more important, the student or lawyer who keeps this book can regularly check his or her style and learn a little.

The book superbly handles the first-year puzzle of analysis and synthesis. Had I had Ms. Block's book during my first year (how long ago, O Lord, how long), I might have understood that mystery better. I would also have been glad of the section on case-briefing. I wince when recalling all the unnecessary trash in my first briefs, and the important things left out. Had I had Ms. Block's clear discussion of how to brief

a case, with its excellent examples, I would have spared myself much frustration and wasted time.

Most of all, as a student I would have wanted Ms. Block's discussion of examination techniques, a first-year concern far more disturbing to our students than many teachers realize. This section ought to be a little longer, perhaps, but it covers exam-taking well. The final chapter has a series of essay questions followed by suggested answers. No student who worked these problems could fail to understand the tactics of writing a law-school essay question. Ms. Block comments that writing practice for exam-taking is essential. How right she is. The trouble has always been getting that practice. Ms. Block has made it easily available.

Ms. Block does not even attempt to treat memoranda, briefs, letters, citation, or oral argument. I find that a major disappointment. For my use, I like to see all these things collected under a single cover, so *Effective Legal Writing* is not the book I would choose. But as a textbook of style and grammar, it has no peer. I teach this material myself, and I refer to Ms. Block's book regularly. I can pay no higher compliment than that.

By contrast, Diana Pratt's *Legal Writing: A Systematic Approach,* was thoughtfully designed for first-year students, and does cover most of the writing problems new law students must face. It begins with an excellent, innovative chapter on the court system, which I find most new students do not understand at all. It then traces the workings of a lawsuit from basic research and complaint through trial, explaining pretrial and trial procedure.

Ms. Pratt knows what entering students need. Eager as we are to teach them the intricacies of the profession, we sometimes lose sight of the fact that they enter law school as rank laypeople, knowing nothing of the mystery of law. In our haste to reach the intellectual heart of things, we often leave out the nuts and bolts of how the law actually works.

In the same vein, there is a chapter called "Anatomy of a Case," which explains to the new student what he or she sees on opening an opinion and what all these new words and numbers mean. In reading this chapter I remembered my neophyte days. Nobody took the time to explain such mundane things to us, much less write about it clearly.

Ms. Pratt has written clearly, and has done every new student a great favor. These chapters will be immensely useful to first-year students, who ordinarily know nothing about how lawsuits are tried, and do not understand lawyers' language.

This is the sort of basic orientation every new law student needs and seldom gets. It will make understanding this strange new place called law school a great deal easier. Better still, it will save a lot of wheel-spinning and confusion for students, who cannot really start learning until somebody explains what a headnote is and who a petitioner may be.

Ms. Pratt deals quite adequately with memoranda, from basic memos to more complex ones. She devotes a good deal of space to sample memos. But I would have liked a little more discussion of some of the nuts-and-bolts problems in memo-writing. For example, there is no mention of how and when to use short, or "spot" citations, how to manage quotations, or how many cases to cite on a single question. These are the questions invariably asked by students doing their first memo; it would be helpful to try to anticipate and answer them in the text.

The book's chapters on trial and appellate briefs furnish useful examples of both. Ms. Pratt might usefully discuss more explicitly the importance of each of the parts, although the basic framework is certainly given. For example, I am convinced that the summary of argument is one of the two most important parts of the appellate brief (the other being the statement of facts), but *A Systematic Approach* does not em-

phasize it. By contrast, Ms. Katz does, and furnishes two excellent examples of well-executed summaries.

One major failing of *A Systematic Approach* is the lack of discussion on writing style or mechanics. More and more lawyers—and students—realize the importance of clean, spare, persuasive writing. A good style results from simplicity, brevity, and good grammar, and none of these things is discussed at any length. Some good advice occurs in the section on memos, but a book like this one needs more of it concentrated in one place, so that a student can consult it quickly. Nor is there any summary of the rules of citation. Although those rules are easily available elsewhere, it is useful to have everything the students need under a single cover.

All three books have merit: Ms. Katz's book as a nonpareil deskbook for legal professionals, Ms. Block's book for style and grammar, Ms. Pratt's text for the typical first-year writing course. Decide what you want and take your choice.

—*Robert Barr Smith*
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The *Maroonbook* v. The *Bluebook*: A Comparative Review

The University of Chicago Manual of Legal Citation. San Francisco: Bancroft-Whitney Co., Lawyers Co-operative & Mead Data Central, 1989. Pp. 63. $4.50.

A Uniform System of Citation. 14th ed. Cambridge, Mass: Harvard Law Review Association, 1986. Pp. 255. $10.

Why a second manual of legal citation? Because the first one has become a monstrosity, consuming vast amounts of scarce time and some amount of scarce dollars and sabotaging its basic purpose. Any reasonable effort to solve the problem should be welcomed, and despite a pair of blunders in execution, the new *Maroonbook* from Chicago is a vast improvement over the old *Bluebook* from Harvard.

A review of either citation manual must inevitably be a comparative review of both. No sane person would read either of these books. But many legal writers will use one of them for purely instrumental reasons, and most first-year law students will be required to learn one of them. The question is which one, and that requires a comparative judgment. Which one better achieves the essential functions of a citation manual with the least cost?

I have published under both systems, and I unhesitatingly vote for the *Maroonbook*. The *Maroonbook* consists of 63 reasonably well-organized pages. The *Bluebook* consists of 255 not so well-organized pages. If you want to evaluate the organization of the two manuals, try finding the rules mentioned in this review.

The extra 192 pages in the *Bluebook* serve no important function that justifies the costs they impose. For the sources

of United States law, the much shorter *Maroonbook* provides a concise and unambiguous means of identifying the sources cited and of conveying the essential information about those sources. It teaches first-year law students all the important principles of legal citation form—the information conveyed by a citation and the essential details that must be included to convey that information unambiguously. With one exception (S2d for So. 2d), it retains the basic abbreviations that have become familiar to lawyers.

The *Maroonbook* does not serve the same functions for foreign law. This is an important defect, but it affects only a small minority of users. Those who cite foreign sources can proceed by analogy to U.S. sources, as the *Maroonbook* suggests, or follow the citation practice of the foreign country. Authors who cite foreign law can only occasionally write everything out to avoid ambiguity. Authors who frequently cite foreign law should know their sources and not be dependent on the bibliographic details in the *Bluebook*.

Many of the 192 extra pages in the *Bluebook* contain trivia; all of them are dispensable. For example, the vestigial concept of terms of court gets detailed treatment. There are definitions of "this term" and "last term," and two statements of the rule that "Term" should be capitalized when referring to a Term of the United States Supreme Court, but not when referring to a term of any other court. We are told that "any term may be indicated by year," which seems obvious and unnecessary until you realize that it is wrong; consider the Michaelmas term in England, or the special term in New York.

The *Bluebook* states a rule with three exceptions and an exception to one of the exceptions on when to include "prepositional phrases of location" in case names. There are two categories of cases in which an initial "The" in the case name must be included, one category in which it must be omitted, and a fourth category in which it must sometimes be

included and sometimes omitted, depending on context. For intermediate state courts of appeals, the form "Tex. App." refers to a reporter, but "Tex. Ct. App." refers to the court, except that for the Texas Court of Civil Appeals, "Tex. Civ. App." (not "Tex. Ct. Civ. App."), refers to the court.

Most law students are smart enough to ignore all this nonsense after a while. Unfortunately, the few things they really need to know are commingled with the nonsense. First-year students are not good at picking the important points out of the morass. They waste a lot of time just learning the basics, some of them never get that far, and nearly all of them are alienated by the process. Their time would be better spent writing another paper, solving another legal problem, or reading a novel. The first-year legal-writing course is overburdened with multiple missions;[1] there is no room for trivia. It is pedagogical malpractice to hand a first-year student the *Bluebook* when a viable alternative is available.

Commercial guides to the *Bluebook* are not a solution. Why should we require our students to pay for 208 pages they do not need, and then pay for another book to explain which parts of the first book really matter? More fundamentally, the commercial guides can never displace the *Bluebook*. No law review is going to announce that it follows *Citation Shortcuts* by the Cribsheet Publishing Co. What is needed is a simple but authoritative alternative. The University of Chicago has enough status to provide such an alternative.

The *Maroonbook* contains many fewer rules, mostly limited to the points that matter to clear communication. It authorizes discretion on everything else, and even authorizes discretion to vary the rules it does contain. Bryan Garner worries about this discretion; he fears that it "increases the amount of work," because legal writers have to decide for

1. See Laycock, *Why the First-Year Legal-Writing Course Cannot Do Much About Bad Legal Writing*, 1 SCRIBES J. LEGAL WRITING 83 (1990).

themselves how to cite things. This is the same defense that Big Brother offered for totalitarianism; freedom imposes responsibility. I suppose that some legal writers, already trained in the belief that there must be a rule for everything and that any variation is wrong, will waste time worrying about a few of these things. But the time wasted in that way cannot begin to match the time that authors and editors now waste trying to comply with all the rules in the *Bluebook*.

Garner also worries about the loss of uniformity in a discretionary system. He fears that computerized searches will not work unless everybody cites everything exactly the same way. But citation form will vary no matter what the *Bluebook* says. So far as I can tell, it is only present and recent law review editors who pay much attention to the *Bluebook*. Each of the large legal publishers, including West, has its own style sheet and appears to ignore the *Bluebook*. Many judges ignore it; the Supreme Court of the United States regularly departs from it; and the California courts have their own citation practice. One student editor complained to me that few faculty members seem to know anything about the *Bluebook*.

Even the elite law reviews depart from it. The *Texas Law Review* has its supplemental *Greenbook*, in part because the *Bluebook* editors remain wholly ignorant of the Texas writ-of-error system, in part because Texas tradition identifies regional courts of appeal and the *Bluebook* does not, in part because the editors of the *Greenbook* are as compulsive as the editors of the *Bluebook*. The *Harvard Law Review*, home of the *Bluebook,* has a set of unpublished rules that supplement and sometimes contradict the *Bluebook*. Harvard case citations routinely include prepositional phrases of location in violation of the *Bluebook* rule, and Harvard imposes on its authors the extraordinary rule that parenthetical descriptions of authorities must begin with a participle. The remaining 99 percent of the language is banned. These are just a few

examples of deviations that have acquired binding force at particular reviews.

The goal of uniformity is also defeated by changes over time. Every few years the Harvard students tinker with the *Bluebook*. This is partly because their rules are so detailed that they quickly become obsolete. It is partly because the logic of the *Bluebook* is constantly extending itself; new distinctions can always be invented and new subjects for rules can be discovered. Whatever the reasons, the 14th edition says that there have been "important revisions and additions" since the 13th. It then lists "a few particularly noteworthy ones." There are 25 items on the list, some of which say that whole sections have been substantially revised, and some of which say that abbreviations have been changed.

The computer age can cope with this. A computer search based on a standard abbreviation will not find all the citations if the abbreviation has been changed, or if not everyone adheres to the *Bluebook*. But a keyword from the name can always be combined with the volume and page numbers, e.g., "Johnson & 781 +s 769." The owner of Lexis is a sponsor of the *Maroonbook*; it obviously does not fear that the *Maroonbook* will damage computerized research.

Simplicity is not the *Maroonbook*'s only improvement. It requires the full name of authors, replacing the absurd *Bluebook* rule of last name only for articles and last name and first initial for books. Readers need no longer wonder whether "Wechsler" means Burton, Herbert, or Steven, or whether E. Farnsworth is a typo for Allan. (It is not a typo; it is E. Allan Farnsworth.) I once had a *Bluebook* editor insist that I cite T.S. Eliot as T. Eliot, and George Bernard Shaw as G. Shaw. Then the substantive editor suggested that we delete the citation, because no one had heard of these obscure authors anyway. The best compromise I could achieve was T.S. Eliot and G.B. Shaw.

Additionally, the *Maroonbook* abandons the *Bluebook's* requirement of internal page citations for both the official and the commercial reporters. The volume and initial page must be given for both reporters, and an internal page citation for the specific proposition in at least one reporter. This is a sensible allocation of burdens. If the author is using one reporter, she can get the citation to the other reporter from Shepard's or a computerized database. This enables readers using the other reporter to find the few cases they actually want to read, and they can then bear the burden of finding the specific place in the opinion. The author can provide internal page citations only by physically going to the other reporter for every case cited. This is a huge burden on authors even when it is possible. It is impossible except at the very largest libraries.

The *Maroonbook* eliminates a similar nuisance by making it optional whether you cite the names of the original reporters in renumbered volumes. *Marbury v. Madison* can still be 5 U.S. (1 Cranch) if you like, but 5 U.S. will now suffice.

The *Maroonbook* does include two unfortunate blunders, but neither is binding on users. It says that periods "may" be omitted after many abbreviations. This might save a few keystrokes if people could get used to it; in fact it will probably add keystrokes as authors put in the periods and then take them out. Whatever the net effect, authorizing the omission of periods is a major marketing blunder for the *Maroonbook*. Periods after abbreviations may be only a convention that rarely conveys any real information. But readers are not ready to change a convention so basic that it is taught in grammar school in most languages that use the Latin alphabet. Many readers will think that abbreviations without periods look silly, and this reaction will tend to discredit the *Maroonbook*.

The other blunder is in the rule for case names. The *Maroonbook* offers two rules, in the alternative:

> Use the case name as reported in the Table of Cases Reported in the first reporter cited, dropping or abbreviating words at the end of each party's name if necessary to keep the case name reasonably short.
>
> The running head may be used if it is sufficiently descriptive of the case name that the reader will be able to locate the case through the Table of Cases Reported, a case-name citator, or a law digest in the event of miscitation.

Either of these simple rules is a vast improvement over the *Bluebook*'s six pages on the same subject. But both rules are a mistake. Both lapse into the *Bluebook* view that there must be a rule—that there must be a correct way to cite a case name and that the author's discretion is not to be trusted.

The first rule imposes the burdensome extra step of looking up each case in the table of cases. The name in the table of cases generally matches the name at the beginning of the opinion, except for modest and irregular abbreviations. So the extra step imposes costs without achieving benefits. The name at the beginning of the opinion should be the starting point.

The first rule also errs in directing that words be dropped or abbreviated from the *end* of each party's name. Sometimes the most important words are near the end. Consider the case listed in the table of cases as *Southbridge Plastics Division, W.R. Grace & Co. v. Local 759, Intern. Union of United Rubber, Cork, Linoleum and Plastic Workers of America.*[2] Any sensible abbreviation would retain "Workers." Surely the name of the company conveys more information to most readers than the name of the division; in-

2. 565 F.2d 913 (5th Cir. 1978).

deed, on appeal to the Supreme Court, the division disappeared from the case name.[3] "Grace" should be retained even though it is near the end, and "Grace" cannot be plausibly abbreviated. But "Southbridge" and "Local" should also be retained, so that readers can find the case in an alphabetical list. If anything is to be dropped or abbreviated in the plaintiff's name, it must be "Plastics Division." The shortest sensible abbreviation of this case is *Southbridge Div., W.R. Grace & Co. v. Local 759, Rubber Workers.*

Both *Maroonbook* rules err in transferring discretion from authors and editors to the printing plant employees who make up running heads and tables of cases. These employees have little knowledge of the parties and none of the legal context; they have little idea which words in a name are most important. Especially in the running head, their only concern is to make it fit. They produce names like *Harrisburg Ch. of Am. Civ. Lib.* instead of *Harrisburg ACLU,*[4] and *Local 759, Int. U., Etc.* instead of *Rubber Workers.*[5] Names in the table of cases tend to be better, but they have to be looked up, and some of their abbreviations are also irregular. If "International" is retained in *Rubber Workers,* it surely makes sense to use the *Maroonbook's* abbreviation instead of the less familiar "Intern." from the table of cases or "Int." from the running head. The *Maroonbook* abbreviation is "Intl"—"Int'l" for users who prefer punctuation. The *Maroonbook* says to substitute familiar abbreviations for running-head oddities, but the need for exceptions in extreme cases only highlights the real problem. There is little reason to believe that printing plant employees will condense case

3. W.R. Grace & Co. v. Local 759, Rubber Workers, 461 U.S. 757 (1983).
4. Harrisburg Ch. of ACLU v. Scanlon, 500 Pa. 549, 458 A.2d 1352 (1983).
5. Southbridge Div., W.R. Grace & Co. v. Local 759, Rubber Workers, 403 F. Supp. 1183 (N.D. Miss. 1975).

names in the way that best serves the needs of lawyers, judges, and scholars.

The *Maroonbook* identifies what should be the controlling principle in its specification of when the name in the running head is sufficiently descriptive: The case name should enable readers to find the case in the event of miscitation of the volume or page number. Thus, the rule should be:

> Shorten the case name in any reasonable way that is sufficient to permit readers to locate the case in the event of miscitation. Miscited cases may be found through a table of cases, a digest, or a computerized data base. For this reason, the first word likely to be used in alphabetical lists should be retained, the most important or distinctive words should be retained, and abbreviations of words should be unambiguous.

Legal writers may apply this rule and still claim to be using the *Maroonbook*. The *Maroonbook* encourages writers and editors to "adapt the rules to the particular needs of their formats." Correcting a blunder is a sensible adaptation in any format. Retaining the information most important to the intended audience is a sensible adaptation to particular needs. Legal-writing instructors might sensibly teach the *Maroonbook* with two explicit amendments: retain punctuation, and cite case names according to the rule stated in this review. It is much better to adopt the *Maroonbook* with minor modifications than to struggle on with the *Bluebook* because of the *Maroonbook*'s minor flaws. And minor modifications are wholly consistent with the *Maroonbook*'s flexible spirit.

Even better would be a second edition that corrects the blunders and adds some advice on foreign law. But the second edition should be the last edition for a long time, and changes should be limited to clear and substantial improvements. The *Bluebook*'s constant tinkering with the rules im-

poses serious costs, and the *Maroonbook* should not make the same mistake.

In a competitive economy, the *Maroonbook* would achieve dominance despite its flaws. But if the decision is left to law-review editors, the *Maroonbook* is doomed. Law reviews are massively subsidized, with free rent, free student labor, and usually a cash subsidy for operating expenses. Thus, they are largely insulated from the pressures of the marketplace. Adherence to the *Bluebook* offers tradition, a false sense of prestige, absolute avoidance of risk, and freedom from any obligation of independent thought. Bluebooking lets some editors feel important without having to write or contribute ideas.

The decision should not be left to law-review editors. Deans and faculties should take the initiative. If law schools teach the *Maroonbook* in their first-year writing courses, they will save substantial blocks of time in which the students can learn something useful, they will raise student morale, and they will create substantial pressure on their local law reviews to abandon the *Bluebook*. Law reviews that switch will waste less time fixing citation form, and less money paying printers to correct errors in citation form. They might even come out in more timely fashion. Filling in footnotes will be less painful for the faculty. And students might graduate knowing a system of citation that practicing lawyers would actually use.

— *Douglas Laycock*
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An Uninformed System of Citation:
The *Maroonbook* Blues

The University of Chicago Manual of Legal Citation. San Francisco: Bancroft-Whitney Co., Lawyers Co-operative & Mead Data Central, 1989. Pp. 63. $4.50.

Why a second manual of citation? We may indeed need one, but the *Maroonbook* does not fill the bill. To be sure, the old *Bluebook* has its imperfections—it is overlong, unclear at points, and conducive to pedantry. But its alternative does not merit serious consideration.

In citation, as in procedural matters, "[i]t is almost as important that the law should be settled permanently, as that it should be settled correctly."[1] And settled it has been these many years, as American lawyers everywhere have used the *Bluebook* as their guide. The *Maroonbook* would unsettle us all by replacing our old standards with new illusory ones, these based on individual discretion. If, for example, you need to cite a 19th-century statute, the *Maroonbook* would have you use your discretion to make it all clear; you cannot err, as long as you use your discretion sensibly (and, of course, as long as you get the page and volume numbers right).

I am reminded of the structural linguists, who insist that native speakers of English cannot make mistakes in using their language. Whatever a native speaker says is perfectly acceptable. (When backed into a corner, these linguists try to distinguish between blunders and mistakes.) Never mind that standard English is a lingua franca, we should not bother teaching it to our students because it is time-consum-

1. Gilman v. Philadelphia, 70 U.S. (3 Wall.) 713, 724 (1865).

ing, it is discouragingly hard to learn, and it is no better than any other dialect. Now we can likewise forget that the *Bluebook* has provided lawyers with a lingua franca: It is time-consuming, it is discouragingly hard to learn, and it is no better than any other system of citation.

Whatever we might say about the purported difficulty of the *Bluebook*—and I shall say something about it in a moment—we cannot deny one significant advantage it has over other systems of citation that we might invent: namely, it is ubiquitously authoritative. If we are to talk about pedagogical malpractice, the charge should be leveled not against those who teach the *Bluebook*, but against legal-writing instructors who teach the seat-of-your-pants *Maroonbook*. How will law students fare once they hit the streets? The law school that follows Douglas Laycock's recommendation may briefly "raise student morale," but in the upper echelons the improvement will disappear shortly, once the top students learn that judges such as John Minor Wisdom and Thomas Gibbs Gee are reluctant to hire clerks whose knowledge of citing legal materials extends only to the breadth of their discretion. Morale at the bottom of the class may get a sustained boost from schadenfreude.

Laycock is right, of course, that many legal writers, including the editors of *Harvard Law Review*—and, for that matter, the editors of this journal—depart in insignificant ways from the *Bluebook*. But there is a difference between, on the one hand, knowing the rules and deciding to depart from them and, on the other, never learning them at all. In Texas, legal writers follow the *Texas Rules of Form*, published by *Texas Law Review*. Popularly known as the *Greenbook*, it provides supplemental information about how to cite Texas materials. Louisiana has its own supplementary citation

manual,[2] which provides another regional gloss on the *Bluebook*. Other states, and several law reviews, though they generally follow the *Bluebook*, have their own special conventions. That is to be expected. But to set up a rival system with variations on the current standard does not make good sense. If the new system gains adoption here and there, and the regional conventions remain in effect, then our "uniform" system of citation will become still further atomized.

What if the *Maroonbook* were our guide? Apart from its liberating us all with discretion, the most dramatic change is the removal of periods from abbreviations. We are told to write "Fed Secur L Rptr" and "Fed Sent Rptr" instead of "Fed. Secur. L. Rptr." and "Fed. Sent. Rptr." (the latter being *Bluebook* forms). The old "So. 2d" would become "S2d." Does this de-pointing bespeak a desire to eliminate all punctuation from legal writing?[3] Little else changes, except for what we may do when we follow the injunctions at various points to cite sources reasonably, unambiguously, and sensibly.

What changes there are serve the *Maroonbook* editors' belief that "consistency within a brief, opinion, or law journal is important but that uniformity across all legal materials is not." Why not leave it to every legal journal, then, to devise its own system? And to every law firm, or, for that matter, to every lawyer? That is what the *Maroonbook* does, in essence, by leaving "a fair amount of discretion to practitioners, authors, and editors."

The *Maroonbook* editors are wrong to discount the importance of a uniform method of citing legal authority. In this age of automated research, in which computers save so much time and effort, the *Maroonbook* may hinder research.

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2. *See Louisiana Law Review Streamlined Citation Manual*, 50 LA. L. REV. 197 (1989).
3. *See* Wydick, *Should Lawyers Punctuate?* 1 SCRIBES J. LEG. WRITING 7 (1990).

Say you need to find out whether *Jones v. Johnson* is still good law in the Ninth Circuit. There are several other cases by that name. You do not feel comfortable relying on Shepard's, because it may not be as current as Westlaw. You therefore conduct a Westlaw search of the citation: 781 F.2d 769. Unfortunately, you had no way of knowing that Judge Smith, who wrote an opinion disapproving *Jones v. Johnson* last week, follows the *Maroonbook*, and used what in his discretion he thought to be the most sensible citation: 781 Fed. Sec. 769. The example may be far-fetched, but the potential confusion it illustrates is real.

Perhaps we are to accept the reasonable discretion of nonlawyers in citing legal materials. If so, I have been wrong to persuade the editors of the *Oxford English Dictionary* to begin using the conventional forms of legal citation when citing legal materials. Up until now, you see, they have adapted their own forms; for example, the second edition of the *OED*, in citing the first known use of the verb *surveil*, has: "1960 *Federal Suppl.* CLXXII 750/1." If I were to use such forms in the *Oxford Law Dictionary*, the profession might justifiably ride me out of town on a rail.

In effect, the frequent grants of discretion only increase the amount of work (not to mention the worries) of practitioners, authors, and editors. Users of the *Maroonbook* must now decide what before had been decided for them. Do I use *infra* and *supra*? The *Bluebook* tells me when to use them, but the *Maroonbook* says merely that I "need not." (It does not say that I "should not"—merely that I "need not.") What to do? I must give it some thought. Should I italicize *ex parte* and *de facto*? I consult the *Maroonbook* to discover that I "need not." Let me think on it.

That is precisely the problem with the *Maroonbook*. You must consciously consider what before had been the merest matter of form, too insignificant to require thought. If Erwin Griswold sends a first-year associate to verify the citations in

a brief to the Supreme Court, should he expect that associate to use "discretion" in citing the cases? To remove all the periods except those in names and those that separate sentences? If that happened, Dean Griswold would in turn have to review the citations for an abuse of discretion. (The standard of citation review would be clear: If the *Maroonbook* gets a toehold, there may be no such thing as "clearly erroneous" in citation form.) What a waste.

Speaking of waste, let us turn now to what, after all, is the crucial question in this debate: How difficult is the *Bluebook* to learn? A run-of-the-mill law student, I had mastered the essentials within my first two weeks of law school, without any special effort. The essentials are contained in the first chapter of the *Bluebook*. I spent perhaps a couple of hours reading through the book, and many more hours reading cases in which citations followed the *Bluebook*. Even if Professor Laycock were correct that first-year students now spend far too much of their time learning the *Bluebook* minutiae, the *Maroonbook* would not remove their onus. Being told to cite something "reasonably" simply will not do, since law students thirst for certainty and authority. Perhaps that explains the *Maroonbook*'s four appendixes prescribing abbreviations; these come dangerously close to stifling discretion.

If we put consistency to one side, there may be an advantage to greater competition in the citation-book market, but only if the rivals are well done. The *Maroonbook*, wish as we might, is poorly done. The main text consists of 22 pages of slipshod prose. There are abrupt shifts in voice and other indicia of carelessness. (For example, one never *cites* something; one always *cites to* something.) The introduction concludes with this sentence, puzzling because of its prominent placement: "The rules leave this responsibility [adapting the rules to particular needs] to users of this manual editors [*sic*] without imposing on them the burden of conforming exactly to the rest of the legal world." Apparently the *Maroonbook*,

even with its short text, was published without anyone's imposing on those intrusive editors (who should not have made an appearance in the previous sentence) the burden of carefully proofreading the galleys.

There is a place for something like a *Maroonbook*—namely an abridgment of the *Bluebook*. Alan Dworsky's *User's Guide*[4] is now the closest thing we have to an abridgment. Yes, the *Bluebook* has grown unwieldy in its effort to answer every question that arises. (It will never succeed in that effort.) It is nice to be able to refer to the full text to make an informed decision about what is standard. But the *Bluebook*'s publishers ought to consider a drastically pared-down version for ready reference—and certainly for law students to learn from. The failure to see this need in the lawbook market is what brought the *Maroonbook* into existence in the first place. Let it go the way of its precursor.[5]

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4. A. DWORSKY, USER'S GUIDE TO A UNIFORM SYSTEM OF CITATION: THE CURE FOR THE BLUEBOOK BLUES (1988).
5. THE UNIVERSITY OF CHICAGO LAW REVIEW FORM BOOK (rev. ed. 1950).