

**A Form and Style Manual
for Lawyers**

A Form and Style Manual for Lawyers

Ian Gallacher

ASSISTANT PROFESSOR OF LAW &
DIRECTOR OF LEGAL RESEARCH AND WRITING
SYRACUSE UNIVERSITY COLLEGE OF LAW

CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2005 Ian Gallacher
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Gallacher, Ian, 1956-

A form and style manual for lawyers / by Ian Gallacher.

p. cm.

ISBN 1-59460-096-1 (alk. paper)

1. Legal composition. I. Title.

KF250.G35 2005

808'.06634--dc22

2005019842

CAROLINA ACADEMIC PRESS
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America
Cover Design: Erin M. Ehman

To Julie, who makes our garden grow

Contents

Acknowledgments	xv
Chapter 1 Introduction	3
Chapter 2 Before You Begin	5
A. Establish Your Ultimate Deadline	5
i. Do Your Own Calendaring	6
ii. Anticipate Technical Problems	7
B. Establish Your Intermediate Deadlines	8
i. Develop a Schedule	9
ii. Allow Enough Time for the Writing Process	12
iii. Allow Time for Your Work to Be Reviewed	13
C. Outlining Your Writing	14
i. The Traditional Outlining Method	15
ii. The “Branching” Method	17
D. Multiple Drafts	18
Chapter 3 Writing It Down	21
A. Use Plain English	22
B. Avoid Foreign Terms	23
C. Write in Short Coherent Sentences and Short Coherent Paragraphs	24
D. Vary Sentence and Paragraph Length and Structure	25
E. Organize Your Analysis Using Subheadings	26
F. Avoid Footnotes	26
G. Eliminate Unnecessary Words	27
i. Avoid the Passive Voice	28

ii. Avoid “Be” Verbs	29
iii. Avoid “-tion” Words	30
iv. Eliminate Adverbs	31
H. Avoid Legalisms	31
I. Avoid Other Wordy Phrases	32
J. Keep the Subject, Verb, and Object Close Together	33
K. Use Past Tense When Discussing Cases	34
L. Watch for Agreement between Nouns and Pronouns	36
i. Singular Entities	37
ii. Sexist Language	38
M. Avoiding Sexist Language	38
N. Avoid Throat Clearing	40
O. Avoid Split Infinitives	42
P. Ending Sentences with Prepositions	43
Q. Beginning Sentences with Conjunctions	44
Chapter 4 Punctuation	45
A. The Apostrophe	45
i. Omission	46
ii. Possession	46
iii. Misusing Apostrophes	47
B. Brackets	48
C. The Comma	49
D. The Colon	53
E. Dashes	54
F. Ellipses	55
G. Exclamation Point	55
H. Hyphens	56
I. Parentheses	57
J. Period	58
K. Question Mark	59
L. Quotation Marks	59

M. Semicolons	60
N. Virgule	61
Chapter 5 Usage	63
Accept and Except	63
Adverse and Averse	63
Affect and Effect	64
Aggravate and Irritate	64
All Right	65
Alternate and Alternative	65
A Lot	65
Anxious and Eager	65
Apprise and Appraise	65
Assure, Ensure, and Insure	66
As...As	66
Assume and Presume	66
Bad and Badly	67
Beside and Besides	67
Between and Among	67
Bi and Semi	67
Cannot	68
Compare with and Compare to	68
Complement and Compliment	68
Continually and Continuously	69
Consensus	69
Criterion and Criteria	69
Datum and Data	69
Decimate	70
Diagnose	70
Differ with and Differ from	70
Different from and Different than	70
Dilemma	70

Disinterest and Uninterest	71
Each Other and One Another	71
Either	71
Everyone and Everybody	71
Farther and Further	72
Fewer and Less	72
First and Firstly	72
Good and Well	72
Historic	73
Hopefully	73
Hyper and Hypo	73
If and Whether	74
Imply and Infer	74
In Behalf of and On Behalf of	74
In To and Into	74
Irregardless	75
Irony	75
Lay and Lie	75
Like and As	76
Literal	76
Loath and Loathe	76
Loose and Lose	77
May and Might	77
Medium and Media	78
Memorandum and Memoranda	78
Neither	78
None	78
Only	79
On To and Onto	79
Oral and Verbal	79
Ought and Ought To	79

Phenomenon and Phenomena	80
Presently	80
Quiet and Quite	80
Statue and Statute	80
That and Which	81
Their, There, and They're	82
Unique	82
Utilize	82
Chapter 6 General Formatting Issues	83
A. Paper	84
B. Printing	84
C. Font and Size	85
D. Margins	85
E. Spacing	85
F. Page Numbers	86
G. Indents	86
H. Spacing after Punctuation	87
I. Omissions	87
J. Insertions	88
K. Mistakes	89
L. Symbols	90
M. Emphasis	91
N. Block Quotes	92
O. Justification	94
P. Default Settings	94
Q. Numbers	95
R. Headings	95
i. Numbering Headings	96
ii. Order of Heading Identifiers	96
iii. Formatting Heading Identifiers	97
iv. Formatting Headings	97

S. Defining Terms	100
T. Lists	103
i. The Short Itemized List	104
ii. The Short Nonitemized List	104
iii. The Long Itemized List	105
iv. The Long Nonitemized List	105
U. Citations	106
V. Widows	107
Chapter 7 Common Formatting Elements	109
A. The Lawyer's Role in Document Formatting	109
B. Captions	110
C. Signature Blocks	112
D. Certificate of Service	114
E. Table of Contents	116
F. Table of Authorities	118
Chapter 8 Litigation Documents	123
A. Interoffice Memoranda	123
i. Initial Formatting	124
ii. Other Formatting Issues	125
B. Initial Pleadings	126
i. Complaints	126
a. Caption	127
b. Parties	127
c. Jurisdiction and Venue	129
d. Allegations	129
e. Counts	130
f. Ad Damnum Clause	131
g. Signature Block	132
h. Demand for Jury Trial	132
ii. Answers	133
a. Responses	134
b. Affirmative Defenses	135

C. Discovery Documents	136
i. Interrogatories	136
a. Caption	136
b. Definitions and Instructions	136
c. Questions	137
d. Certificate of Service	138
e. Responses	138
f. Signing	140
ii. Document Requests	140
iii. Requests for Admission	141
D. Memoranda of Law	142
E. Documents Accompanying the Memorandum of Law	142
i. Motions	143
a. Caption	144
b. Substance of the Motion	144
ii. Proposed Orders	147
a. Caption	147
b. Substance of the Order	147
iii. Affidavits and Declarations	148
a. Affidavits	150
b. Declarations	152
F. Voir Dire and Jury Instructions	152
i. Voir Dire	152
ii. Jury Instructions	154
G. Appellate Briefs	158
i. Cover Page	159
ii. Tables	161
iii. Other Formatting Issues	163
Chapter 9 Business Correspondence	167
A. The Lawyer’s Role in Preparing Correspondence	167
B. Letters	169
i. Letterhead	169

ii. Preliminary Information	170
iii. The Body of the Letter	171
iv. Signing	172
v. Copies	173
C. Facsimile Cover Sheets	174
D. E-mail	179
i. E-mail Address	179
ii. E-mail Basics	180
Chapter 10 Editing Your Work	183
A. Beginning the Editing Process	184
B. How to Edit	186
C. Check Spelling Manually as well as Electronically	188
D. Techniques to Improve the Editing Process	189
E. An Editing Checklist	191
F. Finishing the Editing Process	192
Index	195

Acknowledgments

No book is written by one person alone: Writing is a collaborative enterprise. Yet trying to thank everyone who has helped me develop the thoughts and ideas expressed here would require another book. And plowing through a list of names is rarely an enjoyable task for a reader.

Nevertheless, there are some people to whom I am so indebted that I must acknowledge them here. The Honorable Frederic N. Smalkin, Shannon Hanson, Pat Taves, Jan Brodie, Charles Goodell, Richard Barnes, Thomas Waxter, Kelly Hughes-Iverson, Teri Leonovich, Lauren Lacy, Shannon Madden Marshall, Nikki Nesbit, Michael McWilliams, Martin Hudson, William Nealon, Robert Wilzcek, Scott Fisher, James Comodeca, Gina Saedinger, Pamela White, and Heather McCabe—all in their own ways—helped me to develop as a legal writer. Lee Titus Elliott showed me how to edit my work. Eric Easton, Amy Dillard, Jeremy Mullem, and Nancy Modesitt showed me how to be a more effective teacher. And I wouldn't be a teacher at all without the faith and confidence of Penny Pether. Thanks also to my students at the Washington College of Law and Syracuse University College of Law, especially Cindy Hamra, Sun Hee Chim, Amy Raaf, Katherine Ellis, Jarrett Perlow, and Andrea Moore Stover. Thanks also to my two Deans—Claudio Grossman and Hannah Arterian—for their support, and to my colleagues at the Syracuse University College of Law—Elizabeth August, Joe Dole, Kate Dole, Elton Fukumoto, Jill Paquette, Lucille Rignanese, and Richard Risman—for their dedication and hard work.

No student could ever have had a better teacher than Jean Redman, and no son could have had better parents than Henry Gallacher and Joan Upton-Holder. Thanks, finally, to Julia McKinstry, who makes everything worthwhile and to whom, as always, this book is dedicated.

Ian Gallacher
Marcellus, New York
April, 2005

