

WRITING GUIDELINES: GENERAL PRINCIPLES & RULES OF THUMB

Professor David Post¹
November, 2006

There is nothing more important in the practice of law than your ability to put together quality written work. I am committed to helping you produce the highest quality paper you are capable of producing. But be forewarned: Writing is difficult, for everyone – at least, for everyone I have ever met who does it well. If you think you can produce top-quality written work without pain and hard work you are either (a) incredibly gifted, or (b) mistaken.

Read these guidelines through carefully, and re-read them periodically during the course of your writing project, especially before you turn in any written work to me. This will save us both a great deal of time and a great deal of aggravation. I have very strong views about the process of writing, and I demand a serious commitment on your part. Please ask yourself, after you have read the following, whether you are prepared to follow the path I describe. If not, please feel free to reconsider working with me; I will not be offended, and you will be spared considerable future unhappiness.

These guidelines are divided into ten “general principles” and nine “rules of thumb.” The general principles are for you to think about; the rules of thumb are for you to obey blindly.

PART ONE: GENERAL PRINCIPLES

1. “Good prose is like a windowpane.” [George Orwell, “Why I Write”]

The point of legal writing is not to make the simple complicated – for example, by using lots of impenetrable phrases, long sentences, and big words. The point of legal writing is to make the complicated simple.

Think about it. Do not be afraid of simplicity. Though we have all been taught that simplicity is a sign of stupidity, it is not. You want your reader to say, after having read your brief or your memo or your article, something like: “Well, that was pretty straightforward.”

Simple prose does, it is true, reveal weaknesses in our thought; as Orwell put it, “if you simplify your English, . . . when you make a stupid remark its stupidity will be obvious, even to yourself.” Turn that to your advantage; learn to recognize when your writing reveals that your ideas don’t work – when your argument, for instance, lacks a good transition from one point to the next, or has no logical flow to it. Until you can recognize when your writing is weak you can never make it strong.

¹ This is distributed under a Creative Commons Attribution License (ver 2.5, available at <http://creativecommons.org/licenses/by/2.5/>). Please copy, redistribute, and reuse.

2. “Your language becomes clear and strong not when you can no longer add, but when you can no longer take away.” [Isaac Babel]

Less is more. Say what you need to say. Eliminate unnecessary words. Get to the point.

Here’s an excerpt from a student paper:

In Blumenthal v. Drudge, 992 F. Supp. 44 (D.D.C. 1998), the district court ruled that the defendant was subject to the personal jurisdiction of the court. In so ruling, the court found that both prongs of the personal jurisdiction test had been met. First, the court found that the defendant fell under the District of Columbia’s long arm statute, D.C. Code § 13-423, and was therefore subject to the jurisdiction of the court. Second, the court found that the defendant possessed the minimum contacts with the District of Columbia necessary for the exercise of personal jurisdiction to be Constitutional.

Here’s an edited version, with the changes marked:

In Blumenthal v. Drudge, 992 F. Supp. 44 (D.D.C. 1998), the district court ruled that the defendant was subject to the **court’s** personal jurisdiction ~~of the court. In so ruling, the court found that.~~ **The defendant satisfied** both prongs of the ~~personal jurisdiction test had been met.~~ ~~First, the court found that the defendant fell under the~~ District of Columbia’s long arm statute, D.C. Code § 13-423, and ~~was therefore subject to the jurisdiction of the court.~~ ~~Second, the court found that the defendant~~ possessed the minimum contacts with the District of Columbia necessary for the exercise of personal jurisdiction to be ~~Constitutional.~~ **constitutional.** [ADD cite]

Without the redline markings, it reads like this:

In Blumenthal v. Drudge, 992 F. Supp. 44 (D.D.C. 1998), the district court ruled that the defendant was subject to the court’s personal jurisdiction. The defendant satisfied both prongs of the District of Columbia’s long arm statute, D.C. Code § 13-423, and possessed the minimum contacts with the District of Columbia necessary for the exercise of personal jurisdiction to be constitutional. [ADD cite]

The original passage has 99 words; the revised version has 62 – almost 40% fewer. Not coincidentally, the revised version is also better – more direct, clearer, easier to follow.

3. Read the cases. Read more of them, and read the ones you have read over again.

Only occasionally do students do anywhere close to the amount of research in the case law that is required for a good paper. That, however, is where the law is – not in the law review articles, not in the treatises, not in the trade publication, not in the ALR annotations, but in the cases and other primary material (statutes, treaties, constitutions). Secondary sources can be enormously helpful – they can point you to the cases that you need to read, and, on rare occasions, they can help you to understand the cases you have read. They should, however, never be used as substitutes for the primary material on which they’re based.

And if that’s not enough of a reason to spend the bulk of your time reading judicial opinions, here’s another: They are, by far, the best models for the kind of writing that you are

learning how to do. Imitation is the sincerest form of flattery. When you read an opinion (or any piece of persuasive writing, for that matter – anything that works through an argument and reaches some conclusion) that you think is well-written, well-organized, and effective, read it again, and ask yourself: what makes it work well? How is it organized? Is there an introduction, and what functions does it serve? How does the author manage the transitions between sections? How does the author let the reader know the overall plan of the work? When does the author summarize what has come before?

You should read judicial opinions as a way to soak up a manner of talking about legal questions – customary phrasings, ways of using and talking about precedent, and the like. If you read lots of opinions you are much less likely to write sentences like the one I’m looking at right now, from another student paper:

“Personal jurisdiction can no longer be missing ‘because the defendant did not physically enter the forum state’. *Burger-King Corp. v. Rudzewicz*. . . .”

I have never encountered a judicial opinion (or, for that matter, a statute) that referred to whether or not personal jurisdiction was “missing.” This sentence does not convey any useful information to the reader, because the notion that personal jurisdiction might be “missing” is meaningless. What it does convey is that the author has either (a) not read very many opinions dealing with the question of personal jurisdiction, or (b) has not been paying much attention to those s/he has read.

Third, you need to read lots of opinions because to be a good writer you must learn to be a good reader. It’s quite obvious, if you think about it for a minute. Writing involves reading what you have written, identifying its weaknesses, and revising to eliminate those weaknesses. Over and over and over again. (See Principles 8 & 9 below) It’s not easy. You’ll get better at it if you start reading the cases critically, identifying their weaknesses. As you read, always ask yourself: What question(s) are the court answering? How do they get to the answer? How persuasive is their reasoning?

Writing is a craft. Find others who perform it well, observe their methods, and try to emulate them.

4. Legal documents are persuasive documents; they answer some question(s), and they persuade the reader that the answer(s) are the correct one. They are not “book reports.”

The goal, ultimately, is to (a) state a specific question (or set of questions), (b) provide the reader with an answer to that question(s), accompanied by (c) a logical argument that persuades the reader that the answer you have come up with is the correct one. *You will not write a paper “about copyright law”; you will pose, and then you will answer, a specific question about copyright law.*

All legal writing, I believe, is like this: briefs, judicial opinions, memoranda of law, etc. All are designed to persuade the reader of something by the force of argument(s).

I cannot stress this strongly enough; far and away, the most common reason that student papers are unsatisfactory is the absence of any sense that they are designed to marshal arguments in support of the author's answer to a particular question.

Much legal writing is straightforward, in the sense that you know precisely where you are going when you start. When writing a brief, for example, you know where your argument has to lead: You are arguing on behalf of a client, and you are trying to persuade the reader that "the defendant [*i.e.*, your client] is not liable for doing X," or "The defendant [the opposing party] is liable for doing Y," or "Defendant's motion for summary judgment should be granted/denied," or "The court cannot constitutionally exercise subject matter jurisdiction over the claim in this case," or

Knowing exactly where you want to go, you can basically work backwards from there to put together your argument.

With a research paper, on the other hand, you don't really know where you are going when you begin. When you begin, in other words, you don't know the answer to the question you're posing – that's why you have to do research. You don't really know (when you begin) "whether section 512(c) of the Copyright Act covers the dissemination of decryption software"; you don't know (when you begin) "whether the purposes underlying the Patent Act are furthered by Internet business method patents"; you don't know (when you begin) "whether courts can assert personal jurisdiction over foreign website operators"; you don't know (when you begin) "whether clickwrap licenses are enforceable under the Uniform Electronic Transactions Act," . . .

This makes research papers more difficult to write than briefs; it is hard to construct an argument when you don't know where the argument is going to go.

On the other hand, this uncertainty about where you're headed can be turned to your advantage. You can change your answer – indeed, you can even modify the question you're asking – as you go along. This is a luxury you don't have with work for clients; you can't say to your client: "Well, I've finished my research and, lo and behold, I have discovered that you are, after all, liable under section 10(b) of the Securities Act"!

But with a research paper, you may start out with some thesis – *e.g.*, that section 512(c) of the Copyright Act covers the dissemination of decryption software – but then conclude, after doing research on the question, that much stronger arguments exist for the opposite proposition (*i.e.*, that section 512(c) of the Copyright Act does not cover the dissemination of decryption software).

5. Let the process of writing help you think. Your primary task when undertaking a legal writing project is to communicate to the reader the answer(s) to the question(s) you have posed for yourself. Does section 512(c) of the Copyright Act cover dissemination of decryption software? Are the purposes underlying the Patent Act furthered by Internet business method patents? Are clickwrap licenses enforceable under the Uniform Electronic Transactions Act? Etc.

The other task is to figure out what the answer(s) to the question(s) are.

You might think that the best way to accomplish these two tasks is to complete the second one, and then to start on the first – to figure out how to answer the question(s), and then to start writing. Generally speaking, it doesn't work that way. You need to begin writing long before you have figured out the answer to your question(s) — long before, in other words, you know what your argument is going to be and what it is you want to say.

The only way for most of us mortals to construct a complicated, many-layered argument is to write it down to see whether it makes sense. Unless the question you've posed is a very simple one, you are not going to be able to figure out the answer without putting your argument down on paper and reading it through to see if it holds water; it's going to be far too complicated for you to keep the whole thing in your head. Figuring out whether section 512(c) of the Copyright Act covers dissemination of decryption software is probably going to require you to figure out (a) what do you mean by "decryption software?," and (b) "what does 512(c) actually say?," and (c) "what did Congress mean by using the word "service provider" in Section 512?," and (d) "is decryption software considered 'speech' so that First Amendment applies to our interpretation of section 512(c)?," and probably many other questions like that. You can't possibly keep all of that in your head and figure out where your argument is headed without writing it down and reading it through.

Use your drafts, in other words, to help make your argument better. Don't worry that the argument doesn't "work" when you're working on your drafts – it doesn't have to work, yet. The point of writing it down is to see where, and how, it doesn't work, so that you can fix the deficiencies in subsequent drafts.

Then, once you have figured out where you are going – once you have written something that enables *you* to see the answer to the question that you have posed for yourself – you need to figure out how best to walk the reader through your argument as effortlessly and painlessly as possible. The reader does not necessarily need to see every step that you took to reach your conclusion; you may have taken some wrong turns, and gone down some dead ends, in trying to figure out how to answer the question, and the reader does not need to see all of those (and will be very confused if you show them to him/her).

Another way to say this: When you begin, you are writing for *you*, to help you understand what is going on. As you near the end, you write for your reader.

6. You will not learn to write well by talking – to me, or to anyone else – about writing; you will learn to write well by writing.

I'm always happy to talk to you about your project. But the bottom line is that talking to me is much less valuable than most students think it is. Talking about writing is like talking about carpentry, or about playing the piano, or about riding a bicycle – interesting, but rarely of much help if you are trying to learn how to do those things. You have to do them, over and over and over. Writing – actually practicing the skill you are trying to master – is almost always more useful to you than talking about writing. I'm not suggesting you should not talk to me if you have questions; but if you would like to talk to me about something, write down what you want to talk about. A sentence, or a paragraph, or an outline, describing your thoughts, or the question(s) you have, will do. That will not only give you valuable practice in the art of writing, but I guarantee you that it will make our subsequent conversation much more productive.

7. Give yourself time.

Writing well is often painful; it is always difficult and time-consuming. It will always take longer — usually a lot longer — than you think (or than you'd like) to get an outline or a decent draft together, let alone your final product. You must commit to spend however much time it takes to produce a quality product.

When asked whether she enjoyed writing, Dorothy Parker replied “No – I enjoy having written.”

When asked whether he found writing difficult, Red Smith replied: “Not at all – you just sit down at the typewriter and open a vein.”

8. There is, unfortunately, no such thing as an “A for Effort” when it comes to written work.

The reader doesn't know, and the reader doesn't care, how much time you spent producing whatever it is you have produced, how much sweat poured off your brow during long nights in the library, etc. All he or she has, and all he or she cares about, is what you put in his or her hands; that is all that matters to the reader because that is all that the reader can see. Your argument must stand on its own two feet. **You must always read your own work from the reader's perspective.** It sounds easy enough; it is not. Learning how to do this is critically important. Before you submit anything to me – an outline, a draft, whatever – you must read it over, from start to finish, in one sitting, as if you were the person to whom it is addressed -- the ‘average reader’ (if you are writing a law journal article), the partner in a law firm (if you are writing a memorandum to a partner), the judge (if you are writing a brief or legal memo).

One of the hardest things about writing well is remembering that your reader does not have in his/her head everything about the subject matter that you have in your head; indeed, the reader may have no information at all about the subject matter other than what is in your paper. Your reader will start at the beginning of your paper and read through to the end, picking up whatever information you are giving him or her and *only* that information, and *only* in the order in which you present it. You must do the same to see if what you have written is working well or poorly. *Developing the ability to edit your own work in this way is the most important thing you will get out of your writing project.*

9. Revise, revise, revise.

You need to revise your work as necessary so that it makes sense to that reader. You don't get to stop when you have completed one, or two, or four, or any fixed number of revisions of your paper; you get to stop when what you have written is clear to the reader. If that takes five, or fifteen, revisions, that's what it takes. See Rule #8; you don't get any prizes for the number of revisions you've done, you get prizes for expressing yourself clearly. Please: If you are handing something in on THURSDAY AFTERNOON, do **not** print it out and read it over on THURSDAY MORNING; **leave yourself time for a final round of revisions** before you hand it in.

10. Everything you put on the page matters.

Everything – every word, every bit of punctuation, every decision to begin a paragraph in one place instead of another. That's probably not true in every field; it's true, though, in the law.

Take the lowly comma. When Robert Frost's *Collected Poems* was originally published, it contained these lines (in "Stopping by the Woods on a Snowy Evening"):

"The woods are lovely, dark, and deep
But I have promises to keep
And miles to go before I sleep
And miles to go before I sleep."

In fact, what Frost had written was:

"The woods are lovely, dark and deep
But I have promises to keep
And miles to go before I sleep
And miles to go before I sleep."

Insertion of the extra comma in the first version makes a big difference, does it not?

We are not poets, and the texts we read and write as lawyers are, heaven knows, not poetry. But consider the following. The Copyright Act of 1874 granted copyright protection to "any engraving, cut, print, or . . . chromo[lithograph]." The Act also provided that

". . . in the construction of [this] Act, the words 'engraving,' 'cut,' and 'print' shall be applied only to pictorial illustrations or works connected to the fine arts."

Question: suppose you had produced something that was a "pictorial illustration" but was not "connected to the fine arts" -- a picture on an advertising circular, for example. Is that an "engraving, cut, or print" that is protected by copyright? That depends on whether "connected to the fine arts" modifies both "pictorial illustrations" and "works," or just "works." See *Bleistein v.*

Donaldson Lithographic Co., 188 U.S. 239 (1903) (Holmes, J.). Note how the meaning of this phrase would change if (a) there were a comma after “pictorial illustrations” (so that it read:

“. . . in the construction of [this] Act, the words ‘engraving,’ ‘cut,’ and ‘print’ shall be applied only to pictorial illustrations, or works connected to the fine arts.”

or (b) there were commas after both the words “pictorial illustrations” and “works”

“. . . in the construction of [this] Act, the words ‘engraving,’ ‘cut,’ and ‘print’ shall be applied only to pictorial illustrations, or works, connected to the fine arts.”.

Here’s another, more complicated, illustration. Section 512(e) of the Copyright Act provides:

“(e) When a public or other nonprofit institution of higher education is a service provider, and when a faculty member or graduate student who is an employee of such institution is performing a teaching or research function, for the purposes of subsections (a) and (b) of this section such faculty member or graduate student shall be considered to be a person other than the institution, and for the purposes of subsections (c) and (d) such faculty member's or graduate student's knowledge or awareness of his or her infringing activities shall not be attributed to the institution, if--

(A) such faculty member's or graduate student's infringing activities do not involve the provision of online access to instructional materials that are or were required or recommended, within the preceding 3-year period, for a course taught at the institution by such faculty member or graduate student;

(B) the institution has not, within the preceding 3-year period, received more than two notifications described in subsection (c)(3) of claimed infringement by such faculty member or graduate student, and such notifications of claimed infringement were not actionable under subsection (f); and

(C) the institution provides to all users of its system or network informational materials that accurately describe, and promote compliance with, the laws of the United States relating to copyright.”

Read it again, carefully. Here’s a little problem of statutory interpretation. Assume that:

- (a) Temple University is a “nonprofit institution of higher education” that is a “service provider” within the meaning of subsection (e);
- (b) A faculty member – call him “Professor Post” – is employed by Temple University, and he is performing a “teaching or research function” within the meaning of subsection (e);
- (c) Temple University does **not** provide “informational materials that accurately describe, and promote compliance with, the laws of the United States relating to copyright” to

all users of its system, *i.e.*, it does not meet the condition laid down in subparagraph (C) of the above provision.

The question: Is Professor Post “a person other than the institution” for “the purposes of subsections (a) and (b) of this section” (whatever subsections (a) and (b) might be)?

The answer is “No.” Why? Because “for the purposes of subsections (a) and (b) of this section” Prof. Post “shall be considered to be a person other than the institution” only if the conditions in sub-paragraphs (A), (B), and (C) are satisfied. Because the condition in sub-paragraph (C) is not satisfied, Prof. Post shall not be considered to be a person other than the institution. [If you don’t see that, re-read the section over until you do].

Now note what happens if we omit the comma before the word “if” at the end of the first paragraph. The section now reads as follows:

“(e) When a public or other nonprofit institution of higher education is a service provider, and when a faculty member or graduate student who is an employee of such institution is performing a teaching or research function, for the purposes of subsections (a) and (b) of this section such faculty member or graduate student shall be considered to be a person other than the institution, and for the purposes of subsections (c) and (d) such faculty member's or graduate student's knowledge or awareness of his or her infringing activities shall not be attributed to the institution if --

(A) such faculty member's or graduate student's infringing activities do not involve the provision of online access to instructional materials that are or were required or recommended, within the preceding 3-year period, for a course taught at the institution by such faculty member or graduate student;

(B) the institution has not, within the preceding 3-year period, received more than two notifications described in subsection (c)(3) of claimed infringement by such faculty member or graduate student, and such notifications of claimed infringement were not actionable under subsection (f); and

(C) the institution provides to all users of its system or network informational materials that accurately describe, and promote compliance with, the laws of the United States relating to copyright.”

The answer to the question presented is now “Yes.” Removing the comma completely changes the meaning of the subsection. Now, for “the purposes of subsections (a) and (b) of this section” Prof. Post “shall be considered a person other than the institution” – full stop. The conditions in sub-paragraphs (A), (B), and (C) apply only to determining whether the faculty member will be considered to be a person other than the institution for purposes of subparagraphs (c) and (d). (If you don’t see that, read the section over again – possibly aloud – until you do).

Section 512(e) is much less beautiful than “Stopping by the Woods on a Snowy Evening.” The moral of the story, however, is that in legal prose, as in poetry, everything you put down on the page matters – every word, every punctuation mark, everything. **If you don’t start cultivating that attitude towards your own writing, you will never learn to write well.**

“An effect can become a cause, reinforcing the original cause and producing the same effect in an intensified form, and so on indefinitely. A man may take to drink because he feels himself to be a failure, and then fail all the more completely because he drinks. It is rather the same thing that is happening to the English language. It becomes ugly and inaccurate because our thoughts are foolish, but the slovenliness of our language makes it easier for us to have foolish thoughts. The point is that the process is reversible.”

George Orwell, “Politics and the English Language”

PART TWO: CRITICAL RULES OF THUMB – FOLLOW THESE OR DIE!!

1. Write your Introduction LAST.

Your paper will, basically, consist of three parts: an Introduction, an Argument, and a Conclusion – in that order. It would, obviously, be silly to begin writing your Conclusion first, before you know exactly what you are going to say. It is equally silly to write your Introduction first. You must know where your argument is going in order to write a decent Introduction, because the function of the Introduction is to tell the reader what’s coming. Once you know what your argument is going to be, it is very easy to write an Introduction; before you know what your argument is going to be, it is very difficult –almost impossible – to do so.

Orwell’s Six Rules (from “Politics and the English Language”):

1. Never use a metaphor, simile or other figure of speech which you are used to seeing in print.
2. Never use a long word where a short one will do.
3. If it is possible to cut a word out, always cut it out.
4. Never use the passive where you can use the active.
5. Never use a foreign phrase, a scientific word, or a jargon word if you can think of an everyday English equivalent.
6. Break any of these rules sooner than say anything outright barbarous

2. Use topic sentences. Each paragraph in your paper should make one point, and each paragraph should begin with a declarative sentence stating that point. These “topic sentences” are enormously important. Read your paper over, frequently, as I am going to read it: **ignoring everything except the first sentence in each paragraph**. Ask yourself: If you knew nothing about this subject matter, would this reading of the paper, topic sentence by topic sentence with nothing else, have made sense to you? If the answer is “no,” you’re not finished revising.

3. Eliminate the passive voice from your papers.

Do not say “As the Internet grew, new commercial uses were found,” say “As the Internet grew, users found new commercial uses.”

Do not say “The 5-step test for determining likelihood of confusion under the Lanham Act was crafted by the court”; tell the reader *who* crafted it (“The Eighth Circuit crafted the 5-step test for determining likelihood of confusion under the Lanham Act”).

Do not say “Where there is no general jurisdiction, the possibility of specific jurisdiction must be examined,” say “Where there is no general jurisdiction, the court must examine the possibility of specific jurisdiction.”

Do not say “The modern framework for analyzing a question of personal jurisdiction was developed in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945), say “The Supreme Court developed the modern framework for analyzing questions of personal jurisdiction in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).”

Always write so that the reader can tell who the actor is who is performing the action described in your sentences.

You may, if you wish, treat this as just another arbitrary grammatical rule to be followed by rote – like “don’t end a sentence with a preposition,” or “don’t split infinitives.” In other words: **Just do it.**

It is, however, not an arbitrary rule at all; rewriting your sentences to eliminate uses of the passive voice will help you think. Here's an example from a draft paper I received a while ago:

“Despite the radio broadcasters’ argument that they made little profit on broadcasts, ASCAP was authorized to demand payment for the broadcast of copyrighted works.”

Interesting – but who “authorized” ASCAP to do that? Congress? Where? In a statute? What statute? Or was it a court? Some administrative agency? The New York City Council? As it turns out, that’s a very difficult, and a very interesting and important, question. I would wager that the author of this sentence didn’t know the answer, and s/he was hiding behind the passive voice to obscure that lack of knowledge.

We all do this, all the time, and we shouldn’t; eliminating the passive voice from our writing will help us avoid it.

4. Quote first; explain later. The actual words used in the statutes or the opinions under discussion always matter. Do not tell me what you think a statutory section means until you have given me the actual language in the statute; do not tell me what you think a court meant until you first tell me what it said. If the statutory language (or court’s opinion) is clear, then it’s clear and nothing more need be said. If it needs explanation and interpretation (as it almost always does), explain and interpret – after you tell me what the words are that you are explaining and interpreting. I don’t want to know your opinion about the statute or the case – I want to know (a) what it says, and (b) what it means.

5. Do not thump on the table. Do not ever say “It is clear that,” or “it is obvious that.” Do not use the words “clearly,” or “obviously,” or “undoubtedly,” as in “the statute clearly authorizes law enforcement officers,” or “the *Feist* opinion obviously changes copyright law in important ways.” If it is clear, or obvious, or free from doubt, then there is no need to say so – the reader will already see it, because you have made it so clear and obvious. Ninety-nine times out of 100, you use these words or phrases as crutches, to obscure the fact that you have *not* made something clear, or obvious, when you should have.

6. Use parallel structure. If you are talking about general and specific jurisdiction and one paragraph begins, “In order for there to be general jurisdiction, the defendant must have,” then begin the next paragraph about the parallel topic (specific jurisdiction) the same way: “In order for there to be specific jurisdiction, the defendant must have” Make it simple for your reader.

7. Avoid unnecessary introductory and transition words. Words or phrases like “Moreover,” “In addition,” “Furthermore,” “As such,” “Notwithstanding,” are *sometimes* useful, but rarely; most of the time they get people into trouble. They tend to be inserted when the logical transition between your sentences or paragraphs makes no sense, in the hopes that saying “moreover” or “furthermore” will cover up that unfortunate fact. If you have two sentences that do not belong together, throwing in an “In addition” at the beginning of the second sentence will *not* help. Use these devices very sparingly.

8. Watch out for “as explained below” and “as explained above.” These are signals that your work is not yet properly organized. What is a reader supposed to do when he/she encounters “as explained below” in a paper? Stop reading and go “below” to wherever you explain what needs to be explained? If something needs to be explained now, explain it now. Always remember: readers read from front to back, and from left to right; do not make the reader’s understanding of something depend on something that you say later.

9. Read your work aloud. Writing, Lawrence Sterne wrote (in his novel *Tristram Shandy*), is conversation. He was correct. If your paper, or outline, or memo, or letter, or brief, or . . . does not make sense to a *listener*, chances are very good that it won’t make any sense to a *reader*, and *vice versa*. At the very least, ask someone who knows nothing about your topic to read through what you have written; if your friend/spouse/partner/cousin can’t make heads or tails out of what you’ve written, chances are very good that I won’t be able to either.