

University of Missouri School of Law Scholarship Repository

Faculty Publications

Faculty Scholarship

7-2022

Improved Writing From Reading Other Writers

Douglas E. Abrams

Follow this and additional works at: <https://scholarship.law.missouri.edu/facpubs>



Part of the [Legal Writing and Research Commons](#)

IMPROVED WRITING FROM READING OTHER WRITERS

DOUGLAS E. ABRAMS¹

IN 1954, A 12-YEAR-OLD JUNIOR HIGH SCHOOL STUDENT WROTE TO JUSTICE FELIX FRANKFURTER SEEKING ADVICE ABOUT HOW TO PREPARE TO BECOME A LAWYER.² “THE BEST WAY TO PREPARE FOR THE LAW,” FRANKFURTER ANSWERED, “IS TO COME TO THE STUDY OF LAW AS A WELL-READ PERSON.”³ READING OTHER WRITERS, HE EXPLAINED, ENABLES FUTURE LAWYERS TO “ACQUIRE THE CAPACITY TO USE THE ENGLISH LANGUAGE ON PAPER AND IN SPEECH AND WITH THE HABITS OF CLEAR THINKING.”⁴

Continuing legal education

Justice Frankfurter offered his young correspondent sound advice about the intimate link among reading, writing, and lawyering. Reading works from other writers with an eye toward developing one’s own writing skills, however, should continue even after receiving a law degree and entering the legal profession. A lawyer’s quest for improved writing skills remains a lifelong pursuit.

Speaking about writers generally, novelist Ernest Hemingway likened the ongoing quest for improvement to a lifelong apprenticeship. “We are all apprentices in a craft where no one ever becomes a master,” he said.⁵ If a writing apprenticeship (and a career-long one, at that) was good enough for Pulitzer Prize recipient and Nobel Laureate Hemingway, it is good enough for lawyers. Eminent voices echo Frankfurter and Hemingway with

perspectives about reading that are helpful to writers of all ages, including lawyers. Henry David Thoreau, for example, called reading a “noble intellectual exercise.”⁶ President Theodore Roosevelt attested that “I am a part of everything I have read.”⁷ Roosevelt wrote 13 books before he became president and another 23 during and after his presidency.⁸ The president knew what he was talking about. In our own time, J.K. Rowling, author of the popular “Harry Potter” series, specifically urged aspiring writers of all ages to “read as much as you can, like I did. It will give you an understanding of what makes good writing and it will enlarge your vocabulary.”⁹ Rowling’s advice should resonate with lawyers because UC Berkeley Dean William L. Prosser was right that law is “one of the principal literary professions” and “the average lawyer in the course of a lifetime does more writing than a novelist.”¹⁰



Douglas E. Abrams


Educative tools

A wide array of books and other writings, including many that find places on office desks or bedroom night tables, can provide instructive reading for lawyers who seek to improve their own dexterity with the written language. As the lawyer absorbs a writing’s content, the lawyer also pays attention to the writer’s expression. A lawyer’s literary smorgasbord depends on personal taste and professional obligations. Fiction and non-fiction classics, for example, remain instructive because they have generally withstood the test of time. Quality contemporary fiction and non-fiction works have generally withstood commentary and editorial review. Well-crafted articles in leading newspapers or national magazines can also offer writing that is worth emulating. So can solid legal texts and, win or lose, even well-written briefs and other submissions filed by opponents or others in contested matters. The list could continue.

Turning to the government sector, U.S. Supreme Court opinions, liberal and conservative alike, mark some of the most articulate legal writing emerging from the public arena today.

In the Journal of The Missouri Bar's March-April 2022 issue, I wrote about the example often set by U.S. presidents. Some presidents express themselves better than others, but “[f]or their substance and style, printed texts of carefully crafted presidential speeches can remain treasure troves for lawyers who seek to sharpen their own writing by reading the articulate writing of others ... Texts of prepared presidential speeches, which administration speechwriters typically draft and closely edit, remain valuable learning tools for lawyers who invest time to read the texts on the printed page.”¹¹

The good and the bad

What about books, articles, and other written works whose wordy, stodgy, antiquated, or otherwise difficult expression a lawyer must read to fulfill professional obligations to clients? This troubled writing may seem worthy of criticism, not of emulation. Even these works, however, can offer readers instructive lessons by demonstrating how *not* to write. As in many other areas of everyday life, a person can learn from others' failures as well as from their successes. Distinguishing between good and bad writing is itself a worthwhile exercise that pays rich dividends to lawyers of all ages who seek to refine their own winning styles. 

Endnotes

1 Douglas E. Abrams, a University of Missouri law professor, has written or co-written six books, which have appeared in a total of 22 editions. Four U.S. Supreme Court decisions have cited his law review articles. His writings have been downloaded more than 44,000 times worldwide (in 153 countries). His latest book is “Effective Legal Writing: A Guide for Students and Practitioners (West Academic 2d ed. 2021),” from which portions of this article are taken. Copyright 2021 by West Academic Publishing. Reprinted by permission.

2 *Advice to a Young Person Interested in a Career in the Law*, THE BETTER CHANCERY PRACTICE BLOG (June 20, 2010), <https://betterchancery.com/2010/07/20/advice-to-a-young-person-interested-in-a-career-in-the-law/> (visited May 22, 2022).

3 *Id.*

4 *Id.*

5 Robert Schmuhl, *Process vs. Product: For Some, the Act of Writing Can Be as Important as the Finished Work*, CHI. TRIB., Apr. 2, 2000, at 14.3 (quoting Hemingway, N.Y. J.-AM., July 11, 1961).

6 Henry David Thoreau, *Walden*, in WORKS OF HENRY DAVID THOREAU 116 (Lily Owens ed., 1981).

7 James G. Stavridis, *Read, Think, Write: Keys to 21st-Century Security Leadership*, JOINT FORCE Q., Oct. 2011, at 111 (quoting President Roosevelt).

8 *Books Written by Theodore Roosevelt*, THEODORE ROOSEVELT CTR., <http://www.theodorerooseveltcenter.org/Research/Digital-Library/Record.aspx?libID=o274790> (visited May 10, 2022).

9 They Said It, THE SUNDAY MAIL (Queensland, Australia), Feb. 24, 2013, at 6 (quoting Rowling).

10 William L. Prosser, *English As She Is Wrote*, 7 J. LEGAL EDUC. 155, 156 (1954–1955).

11 Douglas E. Abrams, *Writing By Presidential Example: The First Inaugural Addresses of Reagan and Obama*, J. MO. BAR 86, 86 (Mar.-April 2022).



MoBar
CLE

August
Publications
Special

Family Law
Deskbook

7th Ed. with 2019
cumulative supplement

\$198
\$330 value

on sale
AUG
1-31

