

American University Washington College of Law

## Digital Commons @ American University Washington College of Law

---

Articles in Law Reviews & Other Academic Journals

Scholarship & Research

---

2011

### Making a List and Checking It Twice

David Spratt

*American University Washington College of Law*, dspratt@wcl.american.edu

Follow this and additional works at: [https://digitalcommons.wcl.american.edu/facsch\\_lawrev](https://digitalcommons.wcl.american.edu/facsch_lawrev)



Part of the [Air and Space Law Commons](#), [Election Law Commons](#), and the [Land Use Law Commons](#)

---

#### Recommended Citation

Spratt, David, "Making a List and Checking It Twice" (2011). *Articles in Law Reviews & Other Academic Journals*. 1443.

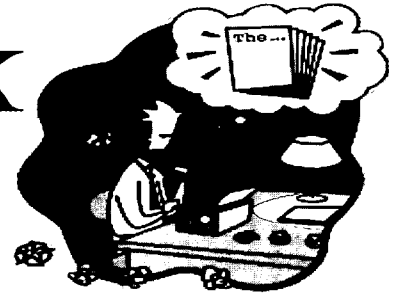
[https://digitalcommons.wcl.american.edu/facsch\\_lawrev/1443](https://digitalcommons.wcl.american.edu/facsch_lawrev/1443)

This Article is brought to you for free and open access by the Scholarship & Research at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in Articles in Law Reviews & Other Academic Journals by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact [kclay@wcl.american.edu](mailto:kclay@wcl.american.edu).

# WRITER'S BLOCK

## MAKING A LIST AND CHECKING IT TWICE

BY DAVID H. SPRATT



To celebrate the season, your resident columnist decided to do something a little bit different: make a top-ten checklist that any legal writer should review before finalizing a legal document. If Christmas is your holiday of choice, call it Santa's Checklist; if not, call it a New Year's Resolution! Either way, reviewing this checklist will help you ensure that you have dotted all of the "i's" and crossed all of the "t's," so to speak. And to all, a good night! Happy Holidays!

David H. Spratt is a professor at The American University, Washington College of Law, where he teaches Legal Rhetoric, Introduction to Advocacy, and Family Law Practice and Drafting. Professor Spratt practiced family law for 10 years and is a former chair of the VBA Domestic Relations Section.

As always, well-proofread, grammatically correct questions, comments, and suggestions at [dspratt@wcl.american.edu](mailto:dspratt@wcl.american.edu) are welcomed.

1. Think about audience and purpose, as failing to consider each leads to unnecessary, useless text.
2. Proofread carefully; sloppy typos detract from even the soundest legal analysis and affect your credibility with the reader.
3. Tighten up your writing to rid it of redundancies, e.g., "any and all," eliminate throat clearing, e.g., "It is interesting to note that," and unnecessary words, e.g., "whether or not" should become "whether."
4. Embrace the Oxford comma to ensure clarity, particularly with respect to elements, by using a comma to separate the last item in a series, e.g., "A contract requires offer, acceptance, and consideration."
5. Extol the virtues of the more concise and clearer active voice, and only use passive voice when you have a reason to do so, e.g., you need to downplay your client's role in an action or event.
6. Remember that lawyers are wordsmiths meant to clarify, not confuse; choose each word carefully, and make sure that each word conveys its intended meaning.
7. Use quotation marks correctly; commas and periods go inside the end quotation mark, unless you are practicing law or writing in England or other foreign countries.
8. Keep it simple; as lawyers do not get paid by the word, there is no incentive to "sound like a lawyer." Clients come to us for help; we do not help them by using words they will not understand.
9. Put modifying words and phrases as close to the words they modify as possible to avoid misplaced modifiers, confusion, and having someone laugh at your writing.
10. Recognize the importance of multiple drafts, as there is no such thing as good legal writing, only good legal re-writing.