

American University Washington College of Law

Digital Commons @ American University Washington College of Law

Articles in Law Reviews & Other Academic Journals

Scholarship & Research

2008

Writer's Block

David Spratt

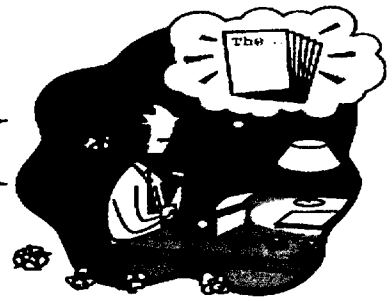
Follow this and additional works at: https://digitalcommons.wcl.american.edu/facsch_lawrev



Part of the [Computer Law Commons](#), [Intellectual Property Law Commons](#), and the [Legal Writing and Research Commons](#)

WRITER'S BLOCK

BY DAVID SPRATT



~~Welcome to my first column.~~

~~Writer's Block will be a regular feature in the VBA News Journal~~

~~Four score and seven years ago wait, that sounds a bit familiar.~~

~~How should I start this first column? I can't seem to get past the initial sentence.~~

In all seriousness, welcome to Writer's Block, a recurring feature column of the VBA News Journal, where nothing [written] is sacred. Each issue, the column will address a discrete writing topic (note the deliberate use of passive voice; because I don't yet know if the column will be good, I don't want to take credit or responsibility and identify myself as the writer).

Writer's Block: Wikipedia (and you've got to love that source) defines writer's block as a "phenomenon involving temporary loss of ability to begin or continue writing, usually due to lack of inspiration or creativity."

"I think writer's block is simply the dread that you are going to write something horrible. But as a writer, I believe that if you sit down at the keys long enough, sooner or later something will come out," Roy Blount, Jr.

Whatever the definition and no matter the cause, even the best writers have experienced writer's block before, and we will all have it again - unfortunately, it happens to the best of us. Would that I could articulate a quick fix, but alas, I am just a writing professor. There are, however, some common techniques that can usually help even the most experienced writer overcome writer's block:

1. "Dance to the Beat of a Different Drummer": When stuck, try something new. Look for a slightly different angle. If writing a brief or motion, for example, perhaps presenting the facts chronologically isn't always the best idea; sometimes topical or even reverse chronology is more effective. Within

reason (and time constraints), be willing to experiment. Through trial and error, you will improve and overcome the stalemate. Keep at it. Practice makes perfection more attainable, though there is neither one perfect document nor one failsafe way to draft an almost perfect document.

2. "Sweat the Small Stuff": When you are overwhelmed, focus on a smaller subtask. For example, if you are drafting a motion and the facts you need to present to the court seem too convoluted or overwhelming, start working on the prayer for relief - you know what you want the court to do (or hopefully you wouldn't be drafting the motion). By trying to do less at once, you will reduce your stress and, eventually, accomplish the larger task.

3. "Nobody's Perfect": Strive for excellence, not perfection. Deadlines, costs, and reality make a perfect document the thing of legend (as clearly evidenced by this first column). Mediocrity won't hack it, but excellence will.

4. "Keep Your Eyes on the Prize": Keep a big picture focus - what is essential to satisfy your audience and achieve your purpose? If time permits, add in bells and whistles; if not, address the essentials.

5. "When All Else Fails, Try Flowers": Dr. Betty Flowers, an instructor in the University of Texas English department, astutely observes that often the hardest part of writing is to resist the urge to critique and edit one's work before completing a draft. In "Madman, Architect, Carpenter, Judge: Roles and the Writing Process," Dr. Flowers postulates that each step in the writing process is based on a "character" that each of us has within, and each character must have time on-stage to produce effective writing.

a. The madman, as the name implies, is somewhat out-of-control, writing

quickly and without focus, perhaps veering into the free association of unconnected ideas. For a legal writer, this is the research stage, taking copious notes and jotting down ideas about possible approaches to a problem.

b. Enter the architect, who sees connections between ideas, and starts drafting a blueprint - outlining the work to be done, if you will. Legal writers should begin the architectural planning by focusing on the audience and purpose of the document and then creating an outline.

c. In struts the carpenter - the carpenter is the one that takes all of the raw materials and starts building according to the architect's plans. Although the carpenter does not polish or edit, a master carpenter always has some discretion and responsibility for changing the plans to suit last-minute needs. For a legal writer, the carpentry stage is where the rough draft is created.

d. Finally, the judge makes her sweeping grand entrance. Judges have wisdom and experience; they look at a scenario with a learned, critical eye. Legal writers looking for all ways to improve a document should use this stage to carefully scrutinize each word, engaging in meticulous proofreading and editing.

Part of the problem and a major cause of writer's block is that the judge is used to being the center of attention and often takes the stage too soon. Employing the Flowers paradigm in your writing process should help improve your documents and help you overcome writer's block.

So I need a catchy ending, huh? One that grabs the reader's attention, leaving one hungry for more writing tips and future columns would be grand. Perhaps, but that is the subject for another day.

Comments, questions, and suggestions for future columns are welcomed and encouraged.

Second Annual Legal Food Frenzy



Congratulations to the winners!

ATTORNEY GENERAL'S CUP WINNER

Schettine & Nguyen, PLC, Richmond, 4,187.75 pounds per person

SMALL (1-20) LAW FIRM TOTAL POUNDS

Schettine & Nguyen, PLC, Richmond, 33,502 pounds

MEDIUM (21-100) LAW FIRM TOTAL POUNDS

Christian and Barton, LLP, Richmond, 64,716.32 pounds

LARGE (101 AND UP) LAW FIRM TOTAL POUNDS

McGuireWoods LLP, 225,778.40 pounds

SOLE PROPRIETOR (1-2) LAW FIRM TOTAL POUNDS

Thomas A. Louthan, Winchester, 400 pounds

Lumsden & Overstreet, Roanoke, 400 pounds

SMALL (1-20) LAW FIRM PER CAPITA

Schettine & Nguyen, PLC, Richmond, 4,187.75 pounds per person

MEDIUM (21-100) LAW FIRM PER CAPITA

**McKenry, Dancigers, Dawson & Lake, Virginia Beach,
967.42 pounds per person**

LARGE (101 AND UP) LAW FIRM PER CAPITA

Vandeventer Black LLP, 615.40 pounds per person

WINNER OF LAW SCHOOL ATTORNEY GENERAL'S CUP,

TOTAL POUNDS PER CAPITA

**Regent University Law School, Virginia Beach,
12,946.16 pounds, 36.37 pounds per person**

Thank you to all the participants in this year's Legal Food Frenzy!

Abrons, Fasanaro & Sceviour, PLLC

Allen, Allen, Allen & Allen

AOL LLC

Barnes & Diehl, P.C.

Barrick & Deinlein, PC

Bean, Kinney & Korman

Ben Pavek, Esquire

Bertini O'Donnell & Jochens

Best Law Offices, P.C.

Birch, Stewart, Kolasch & Birch LLP

Blankingship & Keith

Botkin Rose, PLC

Bowman and Brooke LLP

Bowman Green Hampton & Kelly

Breeden, Salb, Beasley & DuVall

Buchanan, Ingersoll & Rooney PC

Butler Williams & Skilling, PC

C. F. Sauer Company

Campbell Miller Zimmerman, PC

Cantor Arkema PC

CarMax, The Auto Superstore

Chesapeake Commonwealth's

Attorney's Office

Christian & Barton, LLP

Circuit City Legal Department

Clarke, Dolph, Rapaport, Hull, Brunick, & Gariotti

Clement & Wheatley

Coates & Davenport

Colonial Heights Circuit Court

Commonwealth's Attorney's Office of Buchanan County

Commonwealth's Attorney's Office of Danville

Coolley Goward Kronish LLP

Coon & Purnell, PC

Cooper, Spang & Davis, P.C.

Cranwell, Moor, Emrick

Crenshaw, Ware & Martin

Daniel, Medley & Kirby

Danville City Attorney's Office

Danville Regional Law Center

Dickenson County Bar Association

Dickerson and Smith Law Group

Dinwiddie County Circuit Court

Dominion Resources, Inc.

DurretteBradshaw PLC

Edmunds & Williams

U.S. Equal Employment Opportunity Commission

Eldridge Elledge & Harding

Feil, Pettit & Williams

FlorenceGordonBrown

Frankl, Miller & Webb

Freed & Shepherd, P.C.

Fullerton & Knowles

Furniss Davis Rashkind & Saunders, P.C.

Gentry, Locke, Rakes & Moore

Giles & Lambert

Glasser & Glasser, P.L.C.

Glenn, Feldman, Darby & Goodlatte

Goodman, Allen & Filetti, PLLC

Gregory Kaplan, PLC

Gwynn, Memmer & Dillon, PC

Hall & Hall

Hancock Daniel Johnson & Nagle PC

Harman, Claytor, Corrigan & Wellman

Hazel Homes, LLC

Hirschler Fleischer

Hogan & Hartson

Huff, Poole & Mahoney, P.C.

Hunton & Williams, LLP

Jean Galloway Ball, PLC

Jennings and Jennings

Johnson, Ayers & Matthews, PLC

Jones, Blechman, Woltz & Kelly, P.C.

Kalbaugh, Pfund & Messersmith

Kaufman & Canoles, P.C.

Kerns, Kastenbaum & Reinhardt

Law Office of John Laster

Law Offices of Susan E. Allen

LeClair Ryan

Lee County Bar Association

Legal Aid Services of Eastern VA

Legal Aid Society of Roanoke Valley

Lenhart Obenshain, PC

Louisa County Commonwealth's Attorney

Lumsden & Overstreet

Lynchburg City Attorney's Office

Marks & Harrison

McCallum & Kudravetz, PC

McCandlish & Lillard

McGuireWoods, LLP

McKenry, Dancigers, Dawson & Lake

Mell & Frost

Mercer Trigiani

Midkiff, Muncie & Ross, P.C.

Moody, Strople, Kloepffel, Basilone & Higginbotham

Moran Brown PC

Myers, Myers & Myers

National Association of Attorneys General

Newport News General District Courts

Nichols Zauzig Sandler PC

Norfolk & Portsmouth Bar Association

Norfolk City Attorney's Office

Norfolk Commonwealth Attorney's Office

Norfolk Public Defender's Office

Norfolk Southern

Norris, St. Clair & Lotkin, PC

Oast & Hook

Office of the Attorney General

Osterhoudt, Prillaman, Natt, Helscher, Yost, Maxwell &

Ferguson

Owen & Owens LLC

Parker Pollard & Brown

Parker, McElwain & Jacobs

Parrish, Houck & Snead PLC

Paulin Law Firm

Pender & Coward

PennStuart

Pillsbury, Winthrop, Shaw, Pittman LLP

Portsmouth City Attorney's Office

Prince William County Attorney's Office

Protogyrou & Rigney, P.C.

Public Defender's Office, City of Danville

Quagliano & Seeger, PC

Quinto & Wilks PC

Raine & Perdue

Reed Smith LLP

Regan, Zambri & Long, PLLC

Regent University School of Law

Rhodes & Butler, PC

Rinehart, Lowery, Strentz & Butler PLC

Roussos, Lassiter & Glanzer

Sacks & Sacks, P.C.

Samuel I. White PC

Schettine & Nguyen, PLC

Shackelford, Thomas & Gregg, PLC

Sinnott, Nuckols & Logan, PC

Smith Pachter McWhorter

Spotts Fain PC

St. Clair & Rosenblum

Stafford County Attorney's Office

Tavss Fletcher

Taylor & Walker, PC

The Chandler Law Group

The Lewis Law Firm

The Rack Law Firm

Thomas Louthan, Esquire

Thompson McMullan

Timberlake, Smith, Thomas & Moses, PC

Troutman Sanders

University of Richmond School of Law

U.S. Attorney's Office

Vanderpool, Frostick & Nishanian

Vandeventer Black LLP

Venable LLP

Virginia Beach General District Court

Virginia Beach Office of the Commonwealth Attorney

Virginia Capital Defenders Office

Virginia Family Law

Virginia Indigent Defense Commission

Virginia Legal Aid Society

Virginia Poverty Law Center

Wachovia Securities Legal Department

WallacePledger, PLLC

Walsh, Colucci, Lubely, Emrick & Walsh, PC

Washington & Lee University School of Law

Washington County Circuit Court

Weisberg & Zaleski

Wharton, Aldhizer & Weaver, PLC

Whitstone, Brent, Young & Merrill, PC

Wilcox & Savage, P.C.

William & Mary School of Law

William L. Rohde

Williams Mullen

Williams, Morrison, Light & Moreau

Wolcott Rivers Gates

Woods Rogers, PLC

Wright Robinson Ostthimer & Tatum

Zoby & Broccoletti, P.C.