Nothing So Destructive as Habit

by K.K. DuVivier
© 1997 K.K. DuVivier

To fall into a habit is to begin to cease to be.
Miguel de Unamuno, Tragic Sense of Life

January is a time to look ahead, a time to resolve to make
the new year better than the last. In January, health clubs
overflow with optimistic patrons hoping that trainers will help
them undo months, or years, of bad habits. Similarly, with
some guidance you can overcome bad habits: this year, resolve
to make the effort to improve your writing.

As with physical exercise, inertia may prevent you from begin-
ing. You complete your briefs, your clients pay the bills,
and you win some of your cases. Doesn’t this mean your writing
is adequate? You already spend a lot of your time writing—why
dedicate additional time to improve?

Don’t be fooled; simply writing more will not make your writing
better. More exercise will make you stronger, but more exercise
using poor technique can injure your body instead of
strengthening it. In writing, the more you become accustomed
to using poor technique, the more your meaning will be obs-
cred. To become an effective communicator, resolve to do more
than simply writing more: resolve to concentrate on and to
change the writing itself.

In addition to the desire to change, you must also have the belief
that you will succeed. Too many lawyers have the impression
that they are “bad writers” incapable of changing. They
believe others were born with a gift that they do not have. Such a
negative attitude may defeat you before you even start. Avoid
unproductive tension and stress by remembering that you are
not competing with anyone except yourself.

Explore your full potential and discover your personal best.
Take inspiration from Demosthenes, the greatest orator in an-
cient Athens. Demosthenes was born with a speech imped-
iment. To overcome it, he stood for hours on the shores of the
Aegean Sea. With a mouthful of rocks, he practiced the art of

speaking over the sound of the pounding surf. More than 2,000
years later, remember your style is not a natural gift with
which you were born. It is something that has developed over
the years and something that you now can shape and reshape.

Once you have made a decision to work actively on your
writing and you believe in your ability, the next steps are to
isolate your problem areas and to pick manageable objectives.
As with physical exercise, it can be useful to have a coach or
personal trainer provide perspective. A coach can help dissect
your work and concentrate on accomplishing one step at
a time. If you evaluate your own work, shift your focus from
content to an objective assessment of your prose. Do not fra-
strate yourself by trying to do too much too soon.

Remember to be patient. Like working out, writing can be
frustrating. At first, it will seem awkward and time-consuming.
It is hard, painful work to move in unfamiliar ways. Prog-
ress may be slow and sporadic, with frequent slumps or
plateaus. Changing one’s writing requires breaking bad habits
before adopting new ones. Breaking and resetting a bone is
more painful than simply growing new tissue. But give it time
to work. It will pay off because you will become more flexible,
and you can make good writing a habit that comes more easily.

Finally, remember that improving is a lifelong task. We can-
not improve simply by watching a workout video or attending
one CLE class on writing. When we reach a goal, we cannot
stop the effort. If we stop working out, the extra pounds return
and our muscles atrophy. In the same way, if we stop working
on writing, our prose becomes flabby.

Exercise your writing muscles: reread drafts not just for me-
chanical errors, but also to add transitions, to move paragraphs,
and to eliminate unnecessary or confusing phrases. To remain
competitive, you must continue to grow and learn.

Although a coach or trainer can inspire and direct you, no
one can do the work for you. If you start this year with a new
exercise schedule, your skills will improve and you will both
look and feel better. Similarly, if you start the new year with
a resolution to improve your writing, both you and your read-
ers will appreciate the results.

K.K. DuVivier is a senior instructor of Legal Writing and
Appellate Court Advocacy at the University of Colorado
School of Law, Boulder.