

The Scrivener: Modern Legal Writing



Procrastination



by K.K. DuVivier

Panic has set in. The deadline for your brief or memo is now measured in hours rather than days. You think, "Maybe the adrenaline will make me more efficient, but if only I had started earlier!"

If you often or occasionally find yourself in this predicament, here are three suggestions to help you avoid it in the future.

First, write as frequently as you can. Like working out, writing becomes easier if you stay in shape by practicing on a regular basis. Imitate a practice of most novelists and professional writers: write at the same time every day.

Finding uninterrupted time is difficult for attorneys with a hectic practice, but working during optimum times is important. Determine when is your most productive time—whether it is morning, evening or lunchtime—and set aside a few hours at that time each day.

It is also important to schedule some time off from the project. As with exercise, writing can become strained if it is done too long without breaks.

Second, catch ideas as they come. Your most insightful and useful thoughts can come at unexpected times, such as while you are doing research or while you are relaxing. At this point, they are most interesting and exciting for you, and the writing should come more easily. During the process of editing, these thoughts may seem to lose some of their luster, and the writing may become more difficult.

Keep a notepad or dictaphone handy to get ideas and phrasing down before you forget them. Because ideas sometimes come at night during sleep, consider keeping a pad or dictaphone by your bed. Focus on getting the ideas out, not on getting perfect phrasing. Save that for the editing process.

The late Isaac Asimov, one of the most prolific authors in history, jokingly attributed his success to the fact that he "never [had] an idea that he didn't put down on paper."¹ Few of us can hope to emulate Asimov, who wrote almost 500 books and more than 400 columns and articles, but we can emulate his practice of writing ideas down.

Third, and perhaps most important, get some perspective on your writing by scheduling sufficient time to look at it anew. This process involves several steps: (1) set a time for completing the entire work *before the actual deadline*; (2) break each issue or subissue into distinct and manageable pieces, and set deadlines for completing each piece; and (3) set daily goals for the number of words or number of pages. Allow for flexibility, but try to stick to your schedule.

Another important way to achieve perspective is to have a colleague or colleagues read your writing before it is due. Promising the work to friends makes the deadline you set for yourself more compelling. Furthermore, friends can give you feedback only if the work is fairly complete and if you provide them with time to read and discuss it before the deadline. Finally, because you see your work primarily from the writer's perspective, your colleagues can provide you with valuable input about your writing from the readers' perspective.

NOTE

1. *Chicago Tribune* (April 8, 1992) at 1.



DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

K.K. DuVivier will be happy to address them through *The Scrivener* column. Send your questions to: K.K. DuVivier, University of Colorado School of Law, Campus Box 401, Boulder, CO 80309-0401.

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