



THE SCRIVENER: MODERN LEGAL WRITING

You Can Judge a Book by its Cover: *The Redbook*

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American law is tied to precedent and, although the computer age has brought some changes, historically the law also has been tied closely to books. We lawyers have a quaint custom of bestowing nicknames on our most familiar reference books: "AmJur,"¹ "CJS,"² and "ALR"³ are all abbreviations of full titles. A select number of references earn the status of being recognized not by an abbreviation, but by the color of their binding: for example, "*The Green Book*,"⁴ "*The Red Book*,"⁵ and "*The Bluebook*."⁶

Each of these reference books started with a full title before it gained sufficient reputation over the years to make the title superfluous. Even *The Bluebook* did not get its nickname until the fifteenth edition, approximately thirty-six years after its original publication. In a bold move this year, a new book on legal style has burst full-grown from its publishers with a title based on the color of its cover: *The Redbook*.⁷ Although there are other, more established "Red Books,"⁸ the form of the new book's title suggests that *The Redbook* aspires to stand on par with *The Bluebook* in scope and stature.

The Bluebook and Other Legal Writing Resources

For almost fifty years, *The Bluebook* has served as an important source book for legal citation form. Rivals such as the *ALWD Citation Manual*⁹ and the *Maroonbook*¹⁰ have challenged *The Bluebook's* authority to unilaterally set the form for universal legal citations. However, *The Bluebook* was an important starting point and continues to serve as a standard.

While *The Bluebook* has provided some consistency for citations, the legal field has had a void with respect to style.¹¹ *The Bluebook* addresses a few style issues, such as the use of numbers or quotation marks, but it has never attempted to tackle legal style comprehensively. *Bluebook* Rule 1.2 refers readers

with questions about style to two other sources: the U.S. Government Printing Office's style manual¹² and the University of Chicago's style manual.¹³ These two sources are approximately ten to twenty years from the latest revision and the GPO's manual can be relatively difficult to obtain. (Even though I work next door to a law school bookstore, I had to track down the Government's style manual at the U.S. Government bookstore in LoDo.)¹⁴ Most important, both of these style manuals address writing style in general, but neither addresses the idiosyncrasies of legal writing style.

Over the years, some excellent books on legal style have been published. Some of my favorites are *Plain English for Lawyers*,¹⁵ *Legal Writing Style*,¹⁶ and *Just Writing*.¹⁷ Each of these provides examples and lessons on style, yet each is more of a learning tool, rather than a reference book. Another one of my favorites, *Legal Writing: Getting It Right and Getting It Written*,¹⁸ is the closest to a legal style reference book that I have found. The entries are in dictionary form and provide some ready answers and explanations. However, *The Redbook* stands out from these predecessors as a comprehensive reference book and resource for resolving grammar and style issues in legal writing.

The Redbook as a Resource

The Redbook's author, Bryan Garner, has long been an advocate of uniformity. In discussing citation manuals, he quoted the U.S. Supreme Court as saying, "[I]t is almost as important that the law should be settled permanently, as that it should be

DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

K.K. DuVivier will be happy to address them through the *Scrivener* column. Send your questions to: kkdುವಿವಿ@law.du.edu or call her at (303) 871-6281.



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settled correctly."¹⁹ In his introduction to *The Redbook*, Garner states, "The citation manuals deal almost exclusively with citing authority," while *The Redbook* addresses "the stuff that comes between the citations."²⁰

The Redbook is easy to use. The format is similar to *The Bluebook*: topics are grouped and points are divided into numbered rules with subdivisions. This system allows readers to browse a topic area or to zero in on a specific point. In addition, each section contains examples of the rules.

Although it would be helpful if the Table of Contents at the beginning of the book were more comprehensive, another strength of *The Redbook* is the indexing at the back of the book. *The Redbook* contains not one, but two indexes: one index helps readers find topics by words and refers them to specific pages; the second index helps readers search by subject area and refers them to topic section numbers.

Finally, *The Redbook* is comprehensive in its coverage—it goes well beyond any of its predecessors. It is divided into three main parts.²¹ The first addresses mechanics, including punctuation and formatting issues. The second addresses grammar, style, and editing, with particular emphasis on legal usage. The final section provides samples of legal documents, including memos, pleadings, briefs, and client letters.

I receive no commissions and have no affiliation with any publishers, but feel it is a service to my readers to alert them to sources that can help them with legal writing. I am impressed with *The Redbook* and feel that it has filled a void as a comprehensive reference book aimed specifically at legal style. Although

its title might suggest this upstart is trying to match *The Bluebook* in stature, *The Redbook* looks as though it will live up to its name.

NOTES

1. *American Jurisprudence* (Eagan, MN: West Group).
2. *Corpus Juris Secundum* (Eagan, MN: West Group).
3. *American Law Reports* (Eagan, MN: West Group).
4. Johns, ed., *Selected Colorado Materials on Wills, Estates, Trusts, and Taxes* (Denver, CO: CBA-CLE in Colorado, Inc., 2001).
5. This is the yearly update to the Colorado Revised Statutes that tabulates each of the laws passed in the previous session and shows how they relate to the codified statutes.
6. The Harvard Law Review Association, *The Bluebook, A Uniform System of Citation*, 17th ed. (Cambridge, MA: Gannett House, 2000).
7. Garner, *The Redbook: A Manual on Legal Style* (Eagan, MN: West Group, 2002).
8. In addition to the Colorado legislative *Red Book* mentioned in note 5, *supra*, and accompanying text, the ABA Leadership Directory also is called the *Red Book*.
9. Association of Legal Writing Directors and Dickerson, *ALWD Citation Manual* (New York, NY: Aspen Law & Business, 2000).
10. University of Chicago Law Review and University of Chicago Legal Forum, *The University of Chicago Manual of Legal Citation* (Chicago, IL: Lawyers Co-operative Publishing Co., Bancroft-Whitney Co., and Mead Data Central Inc., 1989).
11. In reviewing the *Maroonbook*, Richard Posner notes that style is "a related but more important subject *The Bluebook* ignores." See Posner, "Goodbye to *The Bluebook*," 53 U. Chi. L.Rev. 1343, 1343 (1986).
12. *U.S. Government Printing Office Style Manual* (Wash., D.C. 1984).
13. *The Chicago Manual of Style*, 14 rev. ed. (Chicago, IL: Univ. of Chicago Press, 1993).
14. 1660 Wynkoop St., Suite 130, Denver—(303) 844-3964.
15. Wydick, *Plain English for Lawyers*, 4th ed. (Durham, NC: Carolina Academic Press, 1998).
16. LeClercq, *Legal Writing Style*, 2d ed. (New York, NY: Aspen Law & Business, 2000).
17. Enquist and Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer* (New York, N.Y.: Aspen Law & Business, 2001).
18. Ray and Ramsfield, *Legal Writing: Getting It Right and Getting It Written*, 3rd ed. (Eagan, MN: West Group, 2000).
19. *Gilman v. Philadelphia*, 70 U.S. (3 Wall.) 713, 724 (1865), cited in Garner, "An Uninformed System of Citation: The Maroon Book Blues," 1 *Scribes J. of Legal Writing* 191 (1990).
20. *The Redbook*, *supra*, note 7 at ix.
21. The three main parts are: (1) mechanics; (2) grammar and usage; and (3) preparing legal documents. Each part contains numbered subdivisions. Part 1 addresses punctuation; capitalization; italics, bold face, and underlining; document design; numbers; typographic symbols; spelling; citations; and footnotes. Part 2 addresses grammar; stuffy words and legalese; troublesome words; and editing and proofing. Finally, Part 3 provides samples of the following legal documents: research memos, opinion letters, demand letters, pleadings, motions, appellate briefs, and contracts. ■

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