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READING OUT LOUD IN CLASS

BY LOUIS J. SIRICO JR.

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When I was in grade school, my teachers would sometimes have us take turns reading the pages in a textbook out loud. While this technique may have made for easy class preparation for the teachers, it held some benefits for us. We students, even the shy ones, received an opportunity to be the center of attention. We also had the opportunity to learn using both our eyes and our ears. In addition, the diversity of voices provided variety.

In my experience, a good teaching device can work for many audiences, from children to law students. This technique has proven no exception to that principle.

For the past three years, I have begun my Advanced Legal Writing classes by having my students read aloud. I hand them a page or two from a book or article in which writers talk about writing and ask them to take turns reading it to the class, one paragraph per student. I let the students volunteer to read, and I also take a turn. Although most of the readings speak for themselves, I sometimes use them as a springboard for discussion.¹

The readings serve as a method for reinforcing the messages that I try to convey in my teaching. The messages are sometimes about writing techniques, but more often they are about how the impassioned writer pursues his or her craft. Because they come from third parties, perhaps they carry some additional weight. In addition, they enliven the class. Every student gets to speak

aloud early in the class session without the risk of saying something embarrassing, and perhaps this opening vocal exercise encourages all the students to participate during the rest of the class. The students tell me they like this exercise.

The readings come from a variety of sources. To help ensure a variety of styles, I do not use more than two readings from the same author. To further ensure variety, I include very few passages written by lawyers. I have never believed that legal writing or analysis is much different from the sort of writing and thinking that nonlawyers do. We lawyers can learn from skilled writers of all types. I keep the selections short so that no reading takes up more than five minutes of class time.

I am including a list of 10 readings and a brief description of each. I have used them all with success.² These readings cover four topics: personal writing style; achieving a simple, uncluttered style; overcoming roadblocks to good writing; and how plain English relates to the needs of the practitioner.

William Zinsser, On Writing Well 3-6, 7-9 (6th ed. HarperPerennial 1998)

Chapter 1: The Transaction

Zinsser, a prominent professional writer, tells of taking part in a panel discussion with a surgeon who writes part-time. The surgeon describes writing as great fun, with words flowing easily and rewriting not being very important. In contrast, Zinsser describes the writer's life as a hard and lonely one. The message: There is no correct way to write; everyone has a different method.

Chapter 2: Simplicity

According to Zinsser: "Clutter is the disease of American writing." How do we achieve freedom from clutter? "The answer is to clear our heads of clutter. Clear thinking becomes clear writing: one can't exist without the other."

Warren Buffett, Preface to A Plain English Handbook: How to Create Clear SEC Disclosure Documents 1 (1997)

Billionaire investor Buffett endorses writing in

¹ I developed these exercises after attending conference presentations by two educators who had begun working with in-class reading exercises: Darryl Ann Lewis of the Northwestern School of Law, Lewis and Clark University, and Mark Weisberg of the Queen's University Faculty of Law (Kingston, Ontario).

² In some cases, time constraints have compelled me to edit paragraphs out of these passages. Some of the readings may not be readily accessible. If you have difficulty locating any of them, please contact me by e-mail at sirico@law.villanova.edu or by telephone at (610) 519-7071. I would also be interested in receiving suggestions for other readings.

plain English and explains his technique: he writes with a particular audience in mind, his sisters. Buffett describes Doris and Bertie as intelligent people who are not experts in accounting or finance. They will understand plain English, but jargon may puzzle them. "My goal is simply to give them the information I would wish them to supply me if our positions were reversed."

Natalie Goldberg, *Writing Down the Bones: Freeing the Writer Within* 55–56, 159–61 (Shambhala Publications 1986)

Chapter: The Samurai

Author Goldberg views writing creatively and editing critically as separate stages in the process. She describes an editing process in which the writer ruthlessly cuts out parts of a draft that do not work well. Wielding the Samurai sword includes rejecting any parts of a piece that lack sufficient energy and summoning the courage to start over again.

Chapter: Don't Marry the Fly

Writing well requires us to know our goal and stick with it. Wander too far afield or indulge in peripheral detail and you risk losing the reader. If you are writing about a restaurant scene, don't become obsessed with describing the fly on the napkin. "Recognize the fly, even love it if you want, but don't marry it."

Anne Lamott, *Bird by Bird: Some Instructions on Writing and Life* 28–31, 162–64 (Anchor Books/Doubleday 1994)

Perfectionism

According to Lamott, a nonlegal author who is popular in legal writing circles, the desire to write a perfect draft prevents you from writing a first draft. "Besides, perfectionism will ruin your writing, blocking inventiveness and playfulness and life force (these are words we are allowed to use in California)."

Someone to Read Your Draft

Lamott admits that it is difficult to permit another person to critique your draft and even more difficult to accept the resulting assessment. However, "in a little while it may strike you as a small miracle that you have someone in your life whose taste you admire (after all, this person loves you and your work), and who will tell you the

truth and help you stay on the straight and narrow, or find your way back to it if you are lost."

Note: If I did not limit myself to two selections per author, I could mine this book for many more.

Helene Schwartz, *Lawyering* 177–81 (Farr, Strauss & Giroux 1976)

Following the riots at the 1968 Democratic Convention in Chicago, eight radical leaders were indicted and convicted for crossing state lines with the intent to incite a riot. Their trial turned into a circus. One basis for their appeal was judicial misconduct. As an attorney for the defendants, the author confronted a problem: how to reduce the massive transcripts recounting the many instances of misconduct to a manageable narrative that would provide a factual foundation for the legal arguments. Here is how she performed the feat.

Judith D. Fischer, "Bareheaded and Barefaced Counsel: Courts React to Unprofessionalism in Lawyers' Papers," 31 *Suffolk University Law Review* 1, 20–22 (1997).

Suppose a lawyer writes with poor organization and style. Won't the judge simply read the briefs and motions anyway? Perhaps, but, as Professor Fischer demonstrates with numerous real-world illustrations, lawyers who write poorly can find themselves subjected to embarrassment and even judicial discipline. This lengthy article offers a comprehensive survey of instances in which lawyers have faced severe consequences for sloppy legal arguments and sloppy writing.

David Mellinkoff, "Real World View of the Professor," *Syllabus*, June 1983, at 1 (*Syllabus* is the quarterly publication of the American Bar Association's Section of Legal Education and Admissions to the Bar.)

Although students may accept plain English as the prescribed writing style for law school, they wonder what will happen in the real world when they face senior lawyers who expect legalese: "What's the old man going to say when I cut last *will and testament* down to *will*?" The late Professor Mellinkoff explains what will happen and how plain English can eventually advance your career.

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