A Form and Style Manual for Paralegals

Ian Gallacher
ASSISTANT PROFESSOR OF LAW &
DIRECTOR OF LEGAL RESEARCH AND WRITING
SYRACUSE UNIVERSITY COLLEGE OF LAW

CAROLINA ACADEMIC PRESS
Durham, North Carolina
To Julie, who has more form and style than anyone I know.
Contents

Acknowledgments xv

Chapter 1 Introduction 3

Chapter 2 Before You Begin 7
A. Establish Your Ultimate Deadline 7
   i. Do Your Own Calendaring 8
   ii. Anticipate Technical Problems 9
B. Establish Your Intermediate Deadlines 10
   i. Develop a Schedule 11
   ii. Allow Enough Time for the Writing Process 14
   iii. Allow Time for Your Work to Be Reviewed 15
C. Outlining Your Writing 16
   i. The Traditional Outlining Method 17
   ii. The “Branching” Method 19
D. Multiple Drafts 20

Chapter 3 Writing It Down 23
A. Use Plain English 24
B. Avoid Foreign Terms 25
C. Write in Short Coherent Sentences and Short Coherent Paragraphs 26
D. Vary Sentence and Paragraph Length and Structure 27
E. Organize Your Analysis Using Subheadings 28
F. Avoid Footnotes 28
G. Eliminate Unnecessary Words 29
   i. Avoid the Passive Voice 29
Contents

ii. Avoid “Be” Verbs
iii. Avoid “-tion” Words
iv. Eliminate Adverbs
H. Avoid Legalisms
I. Avoid Other Wordy Phrases
J. Keep the Subject, Verb, and Object Close Together
K. Use Past Tense When Discussing Cases
L. Watch for Agreement between Nouns and Pronouns
   i. Singular Entities
   ii. Sexist Language
M. Avoiding Sexist Language
N. Avoid Throat Clearing
O. Avoid Split Infinitives
P. Ending Sentences with Prepositions
Q. Beginning Sentences with Conjunctions

Chapter 4 Punctuation
A. The Apostrophe
   i. Omission
   ii. Possession
   iii. Misusing Apostrophes
B. Brackets
C. The Comma
D. The Colon
E. Dashes
F. Ellipses
G. Exclamation Point
H. Hyphens
I. Parentheses
J. Period
K. Question Mark
L. Quotation Marks
M. Semicolons
N. Virgule
Chapter 5 Usage

Accept and Except 65
Adverse and Averse 65
Affect and Effect 66
Aggravate and Irritate 66
All Right 67
Alternate and Alternative 67
A Lot 67
Anxious and Eager 67
Apprise and Appraise 68
Assure, Ensure, and Insure 68
As ... As 68
Assume and Presume 69
Bad and Badly 69
Beside and Besides 69
Between and Among 69
Bi and Semi 70
Cannot 70
Compare with and Compare to 70
Complement and Compliment 71
Continually and Continuously 71
Consensus 71
Criterion and Criteria 72
Datum and Data 72
Decimate 72
Diagnose 72
Differ with and Differ from 73
Different from and Different than 73
Dilemma 73
Disinterest and Uninterest 73
Each Other and One Another 74
Either 74
Everyone and Everybody 74
Farther and Further 74
Fewer and Less 75
First and Firstly 75
Good and Well 75
Historic 75
Hopefully 76
Hyper and Hypo 76
If and Whether 76
Imply and Infer 77
In Behalf of and On Behalf of 77
In To and Into 77
Irregardless 77
Irony 78
Lay and Lie 78
Like and As 79
Literal 79
Loath and Loathe 79
Loose and Lose 80
May and Might 80
Medium and Media 81
Memorandum and Memoranda 81
Neither 81
None 82
Only 82
On To and Onto 82
Oral and Verbal 82
Ought and Ought To 83
Phenomenon and Phenomena 83
Presently 83
Quiet and Quite 84
Statue and Statute 84
That and Which 84
Their, There, and They’re 85
Unique 85
Utilize 85

Chapter 6  General Formatting Issues 87
A. Paper 88
B. Printing 88
Chapter 7  Common Formatting Elements

A. The Lawyer’s Role in Document Formatting  113
B. Captions  114
C. Signature Blocks  115
D. Certificate of Service  118
E. Table of Contents  120
F. Table of Authorities  122
Chapter 8  Litigation Documents  
A. Interoffice Memoranda  
   i. Initial Formatting  
   ii. Other Formatting Issues  
B. Initial Pleadings  
   i. Complaints  
   ii. Answers  
C. Discovery Documents  
   i. Interrogatories  
   ii. Document Requests  
   iii. Requests for Admission  
D. Memoranda of Law  
E. Documents Accompanying the Memorandum of Law  
   i. Motions  
   ii. Proposed Orders  
   iii. Affidavits and Declarations  
F. Voir Dire and Jury Instructions  
   i. Voir Dire  
   ii. Jury Instructions  
G. Appellate Briefs  
   i. Cover Page  
   ii. Tables  
   iii. Other Formatting Issues  

Chapter 9  Business Correspondence  
A. Letters  
   i. Letterhead  
   ii. Preliminary Information  
   iii. The Body of the Letter  
   iv. Signing  
   v. Copies  
B. Facsimile Cover Sheets  
C. E-mail  
   i. E-mail Address  
   ii. E-mail Basics
Chapter 10 Editing Your Work

A. Beginning the Editing Process 188
B. How to Edit 190
C. Check Spelling Manually as well as Electronically 191
D. Techniques to Improve the Editing Process 192
E. An Editing Checklist 194
F. Finishing the Editing Process 195

Index 197
Acknowledgments

No book is written by one person alone: Writing is a collaborative enterprise. Yet trying to thank everyone who has helped me develop the thoughts and ideas expressed here would require another book. And plowing through a list of names is rarely an enjoyable task for a reader.

Nevertheless, there are some people to whom I am so indebted that I must acknowledge them here. The Honorable Frederic N. Smalkin, Shannon Hanson, Pat Taves, Jan Brodie, Charles Goodell, Richard Barnes, Thomas Waxter, Kelly Hughes-Iverson, Teri Leonovich, Lauren Lacy, Shannon Madden Marshall, Nikki Nesbit, Michael McWilliams, Martin Hudson, William Nealon, Robert Wilzcek, Scott Fisher, James Comodeca, Gina Saelinger, Pamela White, and Heather McCabe—all in their own ways—helped me to develop as a legal writer. Lee Titus Elliott showed me how to edit my work. Eric Easton, Amy Dillard, Jeremy Mullem, and Nancy Modesitt showed me how to be a more effective teacher. And I wouldn’t be a teacher at all without the faith and confidence of Penny Pether. Thanks also to my students at the Washington College of Law and Syracuse University College of Law, especially Cindy Hamra, Sun Hee Chim, Amy Raaf, Katherine Ellis, Jarrett Perlow, and Andrea Moore Stover. Thanks also to my two Deans—Claudio Grossman and Hannah Arterian—for their support, and to my colleagues in the legal communication and research program at the Syracuse University College of Law—Elizabeth August, Kathleen O’Connor, Elton Fukumoto, Jill Paquette, Lucille Rignanese, Lynn Levey, Sonya Bonneau, Aliza Milner, and Richard Risman—for their dedication and hard work.
The incomparable paralegals at Goodell, DeVries, Leech, & Dann LLP, especially Jeannie Brown and the beyond-wonderful Margaret Scally, taught me how essential to a legal practice paralegals are, and how paralegals and lawyers can work together to meet a client's needs. Every lawyer should have the good luck and privilege to work with someone half as good as them.

No student could ever have had a better teacher than Jean Redman, and no son could have had better parents than Henry Gallacher and Joan Upton-Holder. Thanks, finally, to Julia McKinstry, who makes everything worthwhile and to whom, as always, this book is dedicated.

Ian Gallacher
Marcellus, New York
July, 2006