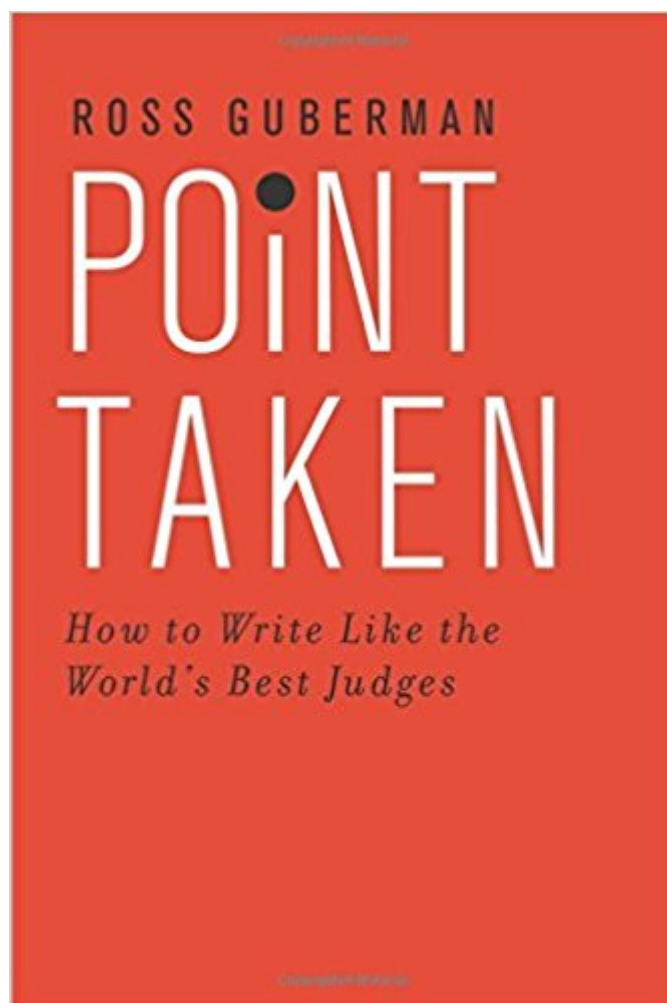


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# Point Taken: How To Write Like The World's Best Judges



## Synopsis

In *Point Taken*, Ross Guberman delves into the work of the best judicial opinion-writers and offers a step-by-step method based on practical and provocative examples. Featuring numerous cases and opinions from 34 esteemed judges - from Learned Hand to Antonin Scalia - *Point Taken*, explores what it takes to turn "great judicial writing" into "great writing". Guberman provides a system for crafting effective and efficient openings to set the stage, covering the pros and cons of whether to resolve legal issues up front and whether to sacrifice taut syllogistic openings in the name of richness and nuance. Guberman offers strategies for pruning clutter, adding background, emphasizing key points, adopting a narrative voice, and guiding the reader through visual cues. The structure and flow of the legal analysis is targeted through a host of techniques for organizing the discussion at the macro level, using headings, marshaling authorities, including or avoiding footnotes, and finessing transitions. Guberman shares his style "Must Haves", a bounty of edits at the word and sentence level that add punch and interest, and that make opinions more vivid, varied, confident, and enjoyable. He also outlines his style "Nice to Haves", metaphors, similes, examples, analogies, allusions, and rhetorical figures. Finally, he addresses the thorny problem of dissents, extracting the best practices for dissents based on facts, doctrine, or policy. The appendix provides a helpful checklist of practice pointers along with biographies of the 34 featured judges.

## Book Information

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## Customer Reviews

"Guberman's *Point Taken* is--by far--the best book I've seen on judicial writing. He explains the craftsmanship these exemplary judges use. And he provides solid guidance for how you could at least attempt to do similar work. Any judge who studies the book will become a better writer. And an

already talented writer who reads the book will also become a better judge." -Steve Leben, Court Review

"Ross has selected some of the best snippets from the world's best judicial opinion writers to teach and inspire readers." Lady (Legal) Writer

"If I were a judge, I'd make this required reading for my law clerks. Point Taken is an invaluable resource for any judge who cares about the craft of writing opinions." -David Lat, Managing Editor, Above the Law

"In Point Taken, Guberman has done both the wonderful and the impossible. He's done a wonderful job synthesizing the craft of writing judicial opinions. His insights and techniques are extraordinary, and he demonstrates great discipline in presenting a menu of approaches rather than dictating a particular style. He provides a superb tool for judges and arbitrators (and, yes, law clerks) to do their jobs better while cultivating a style that suits them. He also achieved what I thought was impossible: he transformed legal writing into a guilty pleasure. The book is fun, which is rare for any work that teaches so much." -Noah Messing, Lecturer, Yale Law School and AAA Arbitrator

"In this essential book, Ross Guberman urges judges to 'go bold' -- and he follows his own advice. Guberman unflinchingly critiques and praises the opinions of judges ranging from Richard Posner to Elena Kagan. In the process, he offers practice points that any judge should embrace, such as 'Judges of the world, declutter!' and 'The more sentences per page, the better.' Ross's practical advice to judges will vastly improve American jurisprudence, and lawyers and journalists who read this book will learn a thing or two as well." -Tony Mauro, Supreme Court correspondent for The National Law Journal

"Ross Guberman has long done a true service to the legal profession by teaching writing excellence to lawyers. With Point Taken, he's gone the extra mile by teaching it to judges as well. But this book has something to teach every lawyer-indeed, every writer-about how to craft a persuasive argument, how to sharpen one's prose, and how to dissent eloquently and effectively. I learned a lot from Ross's book, and I think any reader would." -Michael H. Schill, Dean, and Harry N. Wyatt Professor of Law, University of Chicago Law School

Ross Guberman is the president of Legal Writing Pro. From Alaska to Paris and Hong Kong, he has conducted more than a thousand workshops on three continents for many of the world's largest and most prestigious law firms, for judges and courts, and for corporations and governmental agencies. He has spoken at several judicial conferences, has trained both new and experienced federal judges, and has worked with many judges abroad as well. Mr. Guberman is a graduate of Yale, the Sorbonne, and The University of Chicago Law School. He is the coauthor of Deal Struck: The World's Best Drafting Tips (Legal Writing Pro Press, 2014) and the author of Point Made: How to Write Like the Nation's Top Advocates (Now in its Second Edition, Oxford University Press, 2014).

“Ignorance of the law is no excuse” is a well-known phrase. Judges are responsible when the law is badly expressed in their judgments. Furthermore, it is a joy to read good writing, not just novels and essays, but judgments as well. After all, every court case is itself a story. The rules (and their exceptions) are not much different from the rules of good writing generally, but a judgment of a court has specific objectives. It determines the rights of the parties and lays down the orders that they have to obey. To achieve this, the judgment and orders must not only be reasonable and right, they have to be clear. Secondly, the judgment ought to explain why the judge ruled as he did. To do this, the facts must be set out and the dispute clearly enunciated. Guberman’s book helps judges perform this basic task with effective advice and some fine examples. If judges read this book and can discipline themselves to follow it recommends, there will be few badly written judgments. A judgment must not only be right; it must read right.

Ross Guberman has followed his first-rate book about advocacy writing with an equally excellent one -- the best available -- about judicial writing. It should be a mandatory study for all judges and clerks. Although it covers every aspect of the craft of writing clear and persuasive opinions, it does so with a crispness and clarity that make it a pleasure to read. It has the great virtue of providing direct, easy-to-follow advice without trying to pretend that there’s only one good way to organize an opinion, or only one style that’s appropriate for judicial writing. To drive home that point, it backs up its advice with a treasure-house of examples from well-crafted opinions that both make the advice come to life and demonstrate the range of ways in which it can be effectively applied. Steve Armstrong, co-author of *Thinking Like a Writer: A Lawyer’s Guide to Effective Writing and Editing* (3rd edition)

The contents are helpful, but it is disappointing that a book on judicial writing has a few typos and even a whole line missing (as far as I have read).

Companion to *Point Made*, useful not only for lawyers, judges, etc. but also who have to draft letters, opinions, etc.

Well organized, a true "comparison shop" for everyone.

A common piece of advice for legal writing is to "quote sparingly and thoughtfully." This book gives that advice but does not take it. Instead, it buries a couple pages of good advice in a couple hundred pages of quotations. In that sense, this book is more of an homage to a number of noteworthy judges than it is a useful guide to opinion-writing. As to its content, this book offers some interesting insights, but much of its advice is superficial or is already well-covered in other legal writing guides. I was excited to buy this book, but was rather unimpressed by reading it.

Nephew, an attorney loves it.

It's no secret that I'm a fan of Ross Guberman's work. I reviewed his first book, *Point Made: How to Write Like the Nation's Top Advocates* I still think it's probably the best legal writing book out there. If you're looking to improve your writing, it's worth owning regardless whether you're a lawyer or not. Now, Guberman has a new book out, *Point Taken: How To Write Like The World's Best Judges*. Just as *Point Made* was an instruction manual on writing briefs for lawyers, *Point Taken* is an instruction manual on writing opinions for judges. While I'm no judge, and unlikely to ever be one, I still found the book to be informative and helpful, just as with Guberman's previous work. *Point Taken* follows a similar format to *Point Made* as opposed to merely telling the reader how to write well it shows them with numerous examples taken from some of the most well written opinions in history and today. Then, Guberman breaks down the examples and offers tactical advice for applying the techniques to one's own writing. The first half of the book is devoted to technicalities of crafting the opening of an opinion, the facts, and the legal analysis. The second half of the book is devoted to style. Parallelism, types of transitions, rhetorical devices, analogies, and more are all covered. Guberman then goes on to break down various techniques used to craft a memorable facts section of an opinion, using examples from the opinions listed. Just as with *Point Made*, the reader is exposed to many opinions they would have likely never have read. The quality of writing on display is excellent and varied. The lessons given can help any writer whether judge, lawyers, or layperson. Improving your writing is of paramount importance. Writing is thinking. The better your writing, the more clear your thoughts. If you want to communicate effectively, you have to work at it. Beyond that, your writing needs to be engaging. Guberman quotes Lord Denning, which I will reproduce here: "No matter how sound your reasoning, if it is presented in a dull and turgid setting, your hearers or your readers will turn aside. They will not stop to listen. They will flick over the pages. But if it is presented in a lively and

attractive setting, they will sit up and take notice. They will listen as if spellbound. They will read with engrossment." " Lord Denning, The Family Story 216 (1982) All writers wish to be so fortunate. And while nothing will get you there except for continuous writing, Guberman's books can certainly help you along the way. Highly recommended.

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