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Thoughts on Legal Writing from the Greatest of Them All: Stephen King

Stephen King, the King of Horror and master of supernatural fiction, is one of the greatest and most prolific storytellers of our time. He’s written more than 60 novels, including *Carrie, The Shining, Misery,* and *It,* plus 200 short stories and several motion-picture screenplays.

In 2000, after a near-death car accident, King finished *On Writing: A Memoir of the Craft.* In this part memoir, part writing manual, King tells us that most people have at least “some talent as writers and storytellers, and that those talents can be strengthened and sharpened” by learning the writing fundamentals and with “lots of hard work, dedication, and timely help.”

King wrote *On Writing* with fiction writers in mind. But legal writers can benefit from his book. In this column, we focus on King’s advice on writing and storytelling — and applying his advice to legal writing.

*WHAT WRITING IS* 

To King, writing is telepathy, the transmission over time and distance of messages from sender to receiver. Unless sender and receiver visualize the world through the same eyes, the effect of transmitting the message will create ambiguity and leave room for interpretation. Do all...
details matter? No. Overzealous attention to details not only distracts from the message itself but also “takes all the fun out of writing” and reading. A meeting of the minds can occur only when the writer can transmit the story’s essential elements. For telepathy to operate, writers must take writing seriously. “Do not come lightly to the blank page,” says King.9

THE WRITER’S TOOLBOX

Aspiring writers must work on the fundamentals of writing. King tells writers to build custom tool boxes — their writing skills — to carry their tools. Writers should keep their tools current, he says, revisiting and updating them as they progress. These tools include vocabulary, grammar, usage, and style.

1. Vocabulary

- Vocabulary is “the bread of writing.”10 Some writers have expansive vocabularies; others don’t. The depth of vocabulary matters less than how writers use it.11 By way of example, King quotes Steinbeck in the Grapes of Wrath: “Some of the owner men were kind because they hated what they had to do, and some of them were angry because they hated to be cruel, and some of them were cold because they had long ago found that one could not be an owner unless one were cold.”12
- Use plain English. Don’t “dress up vocabulary looking for long words because you’re maybe too ashamed of using short ones.”13 For lawyers, that means avoiding legalese and foreign and uncommon words and phrases.
- If it’s appropriate and colorful, use the first word that comes to mind.14 Overthought words means stilted writing. Meaning is critical for writers. Thus, King would tell lawyers to be direct and not to risk confusing the judge, counsel, your client, or yourself by using words that replace your own.

2. Grammar

- Grammar, King explains, organizes speech in ways readers expect. You mislead them if you violate conventions: “Bad grammar produces bad sentences.”15
- Must all sentences be complete? No. Sentence fragments? Try ’em. Variety makes writing interesting, and sometimes writers do well to disregard rules. But, King counsels, follow the rules unless you’re sure your unconventional writing will succeed.16
- “Grammar is not just a pain in the ass; it’s the pole you grab to get your thoughts up on their feet and walking.”17 There’s a simplicity at the core of the American-English language. A noun and a verb suffice to make a sentence. Too many simple sentences in a row sound angry, impatient, or childish. But they “provide a path you can follow when you fear getting lost in the tangles of rhetoric.”18

3. Usage

An endless topic of debate among writers is how to use language. Controversies over usage abound. We all have our preferences. Sharing some of his own pet peeves, King rails against these:

- Meaningless and verbose phrases. For lawyers, these include “at this point in time,” “at the end of the day,” “it is clear that,” “it goes without saying that,” “it is important to remember that,” “needless to say,” “in our opinion,” and “we believe that.”
- The passive voice. It’s for timid writers.19 Unsure writers are tempted to use passive verbs to give their work authority and prestige. But passive structures are heavy and indirect. And they make readers work too hard. To prove you care about your readers, “energize your prose with active verbs.”20
- Adverbs. They express the writer’s fear of not being taken seriously.21 Good writing is often about letting go of fear.22 Dare to be direct, King tells us.

4. Style

- The Elements of Style by William Strunk and E.B. White23 offers the best tools on style, according to King, and gives writers clear rules and guidance.24
- Paragraphs are almost as important for how they look as for what they say.25 Short paragraphs are easy to read; dense ones, which require more effort, belong in serious works. Paragraphs act as “maps of intent.”26 Their appearance sends a message to the reader.
- In expository prose, paragraphs must be “neat and utilitarian.”27 They should contain a topic sentence followed by sentences that explain or amplify the paragraph’s point. This technique lets writers organize their thoughts and prevents them from wandering from the topic.28
- A paragraph can be a word long or run for pages.29 King instructs writers to alternate paragraph length to vary the pace and keep their reader alert. What’s important is to “learn the beat.”30
- “[S]hort doesn’t always mean sweet.”31 Brevity adds power and reduces ambiguity and inconsistency, but writing shouldn’t sound clipped or abrupt. Writing should enhance readability, meaning, and persuasion. Clarity is more important than concision.
"ON WRITING"32

To build their tool boxes and strengthen their writing muscles, serious writers must practice relentlessly. “There is a muse, but he's not going to come fluttering down into your writing room and scatter creative fairy-dust all over your typewriter or computer station.”33 Below are some of King’s suggestions to turn competent writers into good ones.

1. “If you want to be a writer, you must do two things above all others: read a lot and write a lot.”34

• Writers must read. Reading good fiction teaches “style, graceful narration, plot development, the creation of believable characters, and truth-telling.”35 Reading bad fiction teaches what to do and what not to do.36

• Learn writing by writing. Commit to a writing schedule. Write every day. Once you start a project, don’t stop or slow down unless you must. Writing, says King, is “a kind of inspired play for the writer.”37 If you wait too long, writing will feel like work.

• When it’s time to write, chose a quiet place where you can close the door. The door keeps the world out and you focused on your project.38

• Write about anything, but tell the truth.39 Stylistic imitation is unavoidable. Yet “the truth as it is understood by the mind and the heart” cannot be imitated.40 Be brave. Write from your perspective and experience. Share what you know.

2. The Story Elements: Narration, Characters, Description

• Stories “pretty much make themselves.”41 The writer’s job is to give stories room to grow.42 For legal writers, this means that lawyers must present the facts accurately, clearly, and completely; give correct citations to records; and prove cases without distraction and overpromising.

• King tells us that “the best stories always end up being about the people rather than the event, which is to say character-driven.”43 Be honest about your characters. No one is a fully “good guy” or a “bad guy” in real life.44

• Use techniques of description to bring your story to life. “Description begins with visualization of what it is you want the reader to experience. It ends with your translating what you see in your mind into words on the page.”45 Too little description leaves the reader nearsighted.46 But don’t bury your story in unnecessary details and images. Determine what needs description and what can be left alone.

• King encourages writers to use similes, comparisons, and metaphors.47 They help present something old in a new and vivid way. Clichéd similes, metaphors, and images sound funny and stale.48
• Research is indispensable to writers, including legal writers. But, as King says, there’s “a difference between lecturing about what you know and using it to enrich the story.”

• Avoid conclusions. The rule is “never tell us a thing if you can show us.”

3. Reviewing and Rewriting

• Reviewing and rewriting are key components of the writing process. King urges writers to have at least two drafts: “the one you do with the study door closed and the one you do with it open.” Write your first draft alone. Once you’re done, set it aside for a while until it’s almost forgotten. Reviewing should be done, if possible, in one sitting. Track misspellings, but most of all ask yourself these questions: “[1]s this story coherent?” “[W]hat will turn it into a song?” “What are the recurring elements? Do they entwine and make a theme?”

Most of all, look for what you meant, because in your second draft you’ll want to reinforce that meaning. Once you finish reading and feel confident that your work is reader-friendly, get your friends and supervisors to comment on it.

• Clarify your themes in your second draft. They help bring “clearer focus and a more unified story.” Themes dictate which facts to present, in which order, and whether to emphasize or deemphasize them. Keep editing to make your themes stand out clearly.

• “Call that one person you write for Ideal Reader. He or she is going to be in your writing room all the time.” Thinking of your Ideal Reader will also set the pace of your work. To find the right pace, ask yourself the following questions: “Is I.R. going to feel there’s too much pointless talk in this place or that?” Have you underexplained a situation or overexplained it? Ask those questions again to friends and colleagues with whom you’ve shared your first draft.

In your second draft, simplify your writing by omitting the unnecessary. Cut clutter, redundancies, and extraneous words. King’s rewrite formula is this: “2nd Draft = 1st Draft – 10%.” And, King explains, be prepared to “kill your darlings, even when it breaks your egocentric little scribbler’s heart.”

CONCLUSION

King teaches that good writing is in everyone’s reach. It’s first about seeing clearly and clearly transmitting thoughts to readers. Then it’s about practice and honesty. Writing isn’t about getting rich or famous. It’s “about enriching the lives of those who will read your work, and enriching your own life.”

“It’s about getting up, getting well, and getting over. Getting happy, okay? Getting happy.”

The Legal Writer will continue its series on what we can learn from the great writing teachers — lawyers and non-lawyers.