

## PRECIS — WHAT IS IT?

According to WEBSTER'S NEW COLLEGIATE DICTIONARY (1979), a precis (pronounced *prā sē*) is "a concise summary of essential points, statements, or facts." According to me, a precis is the equivalent of a draft introduction to a law review article. A good introduction gets the reader's attention, explains why the topic of the paper is important, places that topic with a larger legal/social context, and describes what the paper will contribute to the issue. It does all of this in around three pages or so, or about five or six paragraphs.

The first few paragraphs ought to get the reader's attention and simultaneously introduce the topic. The goal should be to convince the reader that the topic is an important one, worth writing about. About the third or fourth paragraph, the paper ought to focus on what the paper will contribute to the topic, generally explaining the theme of the paper. The final paragraph of the introduction should be a section-by-section overview of the paper (one sentence per section), the final sentence of which should be a one-sentence description of the paper's conclusion.

None of these rules are hard and fast ones, *but the precis should not be more than three or three-and-one-half pages in length*. Ultimately, you must use your own discretion, for the responsibility of writing clearly, coherently, and succinctly is yours. It is the most valuable skill you can carry away from law school.

Nevertheless, a precis/introduction must seek to achieve the goals set forth here. Otherwise, you are much more likely to produce a poor paper. If you are still unsure, read some introductions in quality law reviews.

**Beginning in 2005, precis will be graded, counting 15 percent of the final grade. If you have to rewrite the precis, the average of the two will be 15 percent of the final grade.**

## BLUMM'S 16 COMMANDMENTS OF PAPER WRITING

(these *are* hard and fast rules)

### 1. *Organization*

Inevitably, poor papers are poorly organized. This is due undoubtedly to the fact that a coherently organized paper is the product of a good deal of thought and effort, which requires a certain amount of time. Divide the paper into sections and make sure each section not only has some internal coherency but also logically flows from the preceding section and leads into the succeeding section. *And write simply. (Again) Write simply. (Finally) Write simply.*

### 2. *Use An Outline Format*

This is mandatory; I will not read papers which are not divided up into an outline and which are not preceded by a table of contents. You may subdivide the paper as you think necessary, but the Introduction should be labeled I. Please remember that all I's must be accompanied by at least a II; all A's must at least have a B; all 1's must at least have a 2, etc. *Also outline headings should not be full sentences—if you feel like you want to write one, begin the heading with a gerund (e.g., establishing, requiring, interpreting, etc.).*

### 3. *Headings*

Use them frequently. Generally, you should not go more than two or three pages without a new subdivision (see #2 above).

4. *Introduction*

The most important part of a paper is the Introduction. For this reason it should be written a number of times, and probably rewritten after the rest of the paper is completed. A good introduction acquaints the reader with the problem the paper addresses, explains why it is important that the problem be resolved, and proposes solutions. In other words, the Introduction must be interesting enough to provoke the reader's interest. It also should provide a brief guide to the remaining parts of the paper (referring to the paper's various sections -- see #1 and #2 above) and how these interrelate.

5. *Background Section*

Often, you will find yourself writing about a fine point of law in a rather complex field. In order for your reader to appreciate how the particular case, statute, or regulation relates to the larger setting, you will need to set the context with a background section. Here, in one section -- immediately following the introduction -- is where you can put all the background information that, while not absolutely essential to your analysis, is necessary to see how the specific development relates to the whole field. A good background section (a) helps to keep the rest of the paper focused, (b) gives the uninitiated reader facts necessary to appreciate the importance of the specific development under consideration, and (c) lets the well-informed reader know that you know your stuff.

6. *Documentation*

A crucial part of any good paper is its documentation, *i.e.*, citations to relevant authority, additional explanations of matters not central (but related) to the textual material, clarifications of apparent contradictions, and so forth. A good lawyer has references to authority for his/her arguments; papers without adequate documentation show a lack of research effort. Put your documentation in footnotes. *Do not cite authorities in the text.* (You are not writing a brief for me.)

7. *Citation Form*

If you cannot learn proper citation form (*i.e.*, blue book), you don't belong in law school. You won't impress anyone with citations such as Reagan, Ronald R. \_\_; *Ibid.*; 500 F.2nd 1 (1980); etc. (You ought to know what is wrong with each of these cites.)

8. *Paragraphs*

The lack of familiarity of many law students of the necessity of writing (and thinking) in paragraphs is an embarrassment. Paragraphs have a beginning, a middle, and an end. Therefore, except in unusual circumstances, *avoid one-sentence paragraphs*. And *do not end a paragraph with a quote*, especially a long quote (see #11, below) -- end it with your own thoughts. That means you need to draw some intermediate conclusions at the end of paragraphs. A good paragraph also logically flows from the foregoing paragraph and leads into the following paragraph (*cf.* #1, above). Paragraphs do not begin with "However,..." or "Furthermore,..."

9. *Write in the Active Voice*

This is really a subpart of *write simply*. If you don't know the difference between the active and passive voice, consult a writing book like Strunk and White's *THE ELEMENTS OF STYLE* (2d ed. 1972).

A brief example: don't write, "It was considered a poor piece of legislative drafting." Instead, write, "The Committee considered S.B. 225 a poor piece of legislative drafting." Active verbs can be in the past tense, but they have both a subject and an object (again, consult a style book if you don't know what these terms mean).

10. *Past Tense*

Write in past tense about things that happened in the past. For example, "The legislature decided...;" "The court ruled..." Also, it's not a bad idea to remind your readers of the time frame. For example, "In 1997, EPA promulgated a regulation..."

11. *Lists, Charts, and Other Graphics*

They are usually not necessary, but you want to include something like this, you still must explain its significance in the text. Remember, few readers will be able to see the significant points in a long list. Your task as a writer is to make these points clear in prose.

12. *Long Quotes*

Forget them. No one reads them (see #11 above). If you feel a long quote (*i.e.*, one that must be indented and single spaced) is especially important, summarize it in the text and reprint it in the accompanying footnote. Shorter quotes (*i.e.*, those that don't need indentation) are okay, but in my experience students quote too much. Use your own language (making, of course, appropriate references to pertinent authority) unless the specific words are critical to your analysis. And if you feel like you must use a short quote, make sure there is appropriate attribution to the source *in the text* (*e.g.*, "As the court stated"; "according to Justice Holmes," etc.).

13. *Indefinite Pronouns*

Another habit to avoid. Make sure "it," "he," "she," or "they" refers to something obvious. Please note that "it" also is a frequent beginning for passive voice writing (see #7 above). *Also note that the appropriate pronoun for an agency is "it," not "they"* (*e.g.*, the Bonneville Power Administration opposed the bill because *it* wanted to preserve *its* discretion). And don't use the first person plural, as in "we are the problem," or "it's *our* problem". It's not clear to whom you are referring (and I don't want to be included).

14. *Draft Papers*

Some students think that because I agree to review drafts, they can throw together a poorly organized regurgitation of half-thoughts from their research and let me worry about how to make some sense of it. Well, the process just doesn't work that way. For one thing, I'm a much better editor of good papers than bad. For another, I am responsible for many papers each semester and, frankly, there are usually more than I can really help. Therefore, I use my energies to produce the most publishable pieces that I can. If you write me a lousy draft, you're likely to get an unilluminating edit like "this stinks" or (more likely) "huh?" However, better to write a lousy draft than none at all. *Don't write drafts of over 30 pages.*

**Beginning in 2005, the first 30 pages of draft papers will be graded. Drafts will count as 25 percent of the final grade.**

15. *Words not to employ:* "input," "utilize," "interface," "impact" (when used as a verb), "found" (as in "the court found" — use, "the court concluded/determined," etc.). *Words to employ:* "because" (see if you cannot fit this word into a sentence on every page); any active voice verb.

16. *Reading*

Good writers learn from others. When you're having trouble writing, take a break and treat yourself to some good writing. There is good writing in law reviews: scan the Yale, Harvard, Stanford, Environmental, or other Law Reviews and read a piece that seems interesting. If you're fed up with legal analysis, read *The New Yorker*. Remember, good legal writing is little different from good writing; it simply is a higher art.

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