

# What Lawyers Can Learn From Newspaper Editorials

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Lawyers sometimes compare the qualities of a good brief to the characteristics of a well-written newspaper article. The two forms of writing share many features: clarity, telling details, a narrative arc, and analytic rigor. But I seldom imagine the long columns of a newspaper exposé or galleys of a magazine piece when I picture a good brief or motion. I think instead of the compact paragraph of an editorial.

Editorial writing serves as an overlooked model for legal writing for a few reasons. First, an editorial stands alone on a page in a few tightly formed paragraphs. The physical characteristics of the editorial force the writer to make an argument in limited space. The confined geography reinforces some of the best writing advice I received from an editor at *The Washington Post*. He told me writers should see themselves as architects of space. They do not fill space with material, but instead build a structure (or an argument) within limited property lines.

Consider how directly Michael Gartner, the former Pulitzer Prize-winning editor of *The Daily Tribune* in Ames, Iowa, began this editorial:

Leonard Goldman should resign.

That's a harsh judgment about the man who built the ISU Research Park into a grand success.

And it's rendered with sadness.

But Leonard Goldman has become an embarrassment to Iowa State University and Ames. His successes have been overshadowed by a series of alarming lawsuits alleging harassment of women employees, discrimination against them, and general obnoxious behavior — screaming and swearing and telling sexual jokes — in front of them.

Gartner's editorial is direct because it has to be. He needs to make his argument in a few lines to leave space on the editorial page for letters to the editors and editorial cartoons.

Legal writers should impose the same discipline on themselves. A good motion or brief needs to make its essential argument in one or two paragraphs on the first page. When I write a motion for a trial court, I strive to capture my essential argument in one paragraph just below the case caption. This allows the judge to understand the core argument without turning a page.

In a busy trial court, the judge may only have time to look at your first page. They often must scan motions moments before a hearing or even while sitting on the bench. Use that time with the judge wisely, like editorial writers do with their readers, by getting immediately to the point.

Judges, like other readers, appreciate succinct writing. You will gain instant credibility by distilling your argument to the bone — especially when your opposing counsel fills the first page with the usual blather and boilerplate. Direct writing also conveys confidence, and confident writing is convincing.

The process of reducing your argument into one or two paragraphs will force you to make difficult, but crucial, choices. You will need to reduce your argument to its essence. This process requires you to test your argument even further. It will make your argument stronger.

Editorial writing also serves as a good model for legal writing because it focuses on persuasion. This doesn't mean editorials ignore writing techniques more prominently on display in narrative journalism. The best editorial writers, like the best legal writers, are not formulaic or transparent.

Lawyers do not write briefs in a personal style like a column or some editorials, of course. But it's a mistake for lawyers to strip humanity from their work. Legal disputes decide the most personal issues — who controls a company, whether an inventor can keep the fruits of their creative labor, who must pay for mistakes that ruin lives. Lawyers can use controlled emotion to give their arguments life.

The most compelling briefs, like the best editorials, use the full arsenal of literary techniques to appeal to both the head and heart. For this reason, people learning to write are told to read the best work — not other legal briefs, but novels, narrative nonfiction, *The New Yorker*, *The New York Times*. Add another written form to the list: the forgotten newspaper editorial.

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