

two senior members of Legal Section of the Department of External Affairs) entirely accurate, and they have attempted to set the record straight.

Notwithstanding the few problems which have beset the Williams and de Mestral text, one cannot help but conclude that the book achieves its stated goal. It is as up-to-date as one could expect, its organization is clear and follows the general guidelines of the traditional approaches to the study of the public international law of peace, and the text itself is written in a clear and readable fashion. The two writers of the book are to be congratulated on their fine efforts. Any person who is interested in obtaining a concise outline of international law from a Canadian perspective, be he a political science undergraduate or a seasoned legal practitioner, is invited to read this text. It will very likely serve the initial needs of anyone seeking an introduction to the subject.

DONALD J. FLEMING*

*B.A. (Mt. A.), LL.B. (U.N.B.), LL.B. (Cantab.). Assistant Professor, Faculty of Law, University of New Brunswick.

***Plain English for Lawyers*, Richard C. Wydick, Durham, N.C.: Carolina Academic Press, 1979. Pp. 91. US \$10.00 (paperback).**

Lawyers write poorly.

That is the theme of a recent small book to come from the Carolina Academic Press entitled "Plain English for Lawyers". Its author, Richard C. Wydick, is Dean and Professor of Law at the University of California Law School in Davis. Dean Wydick feels he has good grounds upon which to castigate the practicing bar for what he views as sloppy, inaccurate legal writing of poor quality. Especially he identifies what to him is the gross sin of prolixity. The result, according to a critic whom the author quotes, is to produce legal writing which has four outstanding characteristics: it is wordy, unclear, pompous and dull.

While Dean Wydick may have been directing his comments concerning legal writing to the American Bar in particular, one gains the clear impression from reading his book that all English speaking bars may be included in his criticisms. And not only is it the author who personally complains of poor writing by lawyers. He indicates that the cry has been taken up by the popular press and by such highly placed

persons as the outgoing President of the United States. During his term of office, President Carter ordered that new regulations of the federal executive agencies must be "written in plain English" that is "understandable to those who must comply" with them.¹

Given the case for requiring much better legal writing by lawyers, Dean Wydick proceeds to analyze its faults and to suggest their replacement with suitable writing virtues. Happily, he does this in the short, easily worded sentences he advises. For example, his analysis indicates that in every English sentence there are two kinds of words: working words and glue words. The working words carry the meaning of the sentence: working, words, carry, meaning, sentence. The others are the glue words: the, the, of, the. The use of too many glue words gives a badly constructed sentence, says the author.

Dean Wydick advocates the use of familiar, concrete words when writing. By way of humorous illustration he quotes from the King James version of the Bible in Exodus, Chapter 8:

"[A]s the Lord commanded . . . he lifted up the rod and smote the waters of the river . . .".²

He then reproduces the passage using other than the common tongue:

"In accordance with the directive theretofore received from higher authority, he caused the implement to come into contact with the water . . .".³

Base verbs and the use of the active voice come in for recommended usage by the author. The verb "continue" for example, is seen as being stronger and clearer than what he calls the sodden derivative noun "continuation". And rather than saying "The ruling was made by the trial judge that", is it not better to actively (and more economically) state "The trial judge ruled that"?

Placement of words within a sentence assumes importance when one considers the potentials in a gaffe like this one:

Being beyond any doubt insane, the Judge ordered the petitioner's transfer to a state mental hospital.

Avoidance of the use of what Dean Wydick calls 'language quirks' will make one's legal writings more effective and more economical of wording. For example, "The witness intentionally testified untruthfully" can be expressed much more succinctly as "The witness lied." Again, one

¹Wydick, at 4.

²*Ibid.*, at 25.

³*Ibid.*

should not use a firey word and then, to quote the author, douse it with water. Some don'ts:

rather catastrophic
somewhat terrified
a bit malevolently
slightly hysterical

Not content to criticize and then give advice, the book prescribes exercises after each major illustration of a good writing principle. The author stresses the importance of working through the exercises for as he says, "... you cannot learn to write plain English by reading a book. You must put your own pencil to paper."⁴ If the exercises are carried out and the principles put forward are diligently followed, it appears almost certain that a lawyer will indeed write more plainly. The style may not be elegant but to answer the critic earlier referred to, it would be economical of wording; clear; familiar and — who knows? — maybe even exciting.

BEVERLEY G. SMITH*

⁴*Ibid.*, at 6.

*B.C.L. (U.N.B.), Professor, Faculty of Law, University of New Brunswick.