



## Lawyers as Creative Writers

### The *Arizona Rules of Professional*

*Responsibility*, various procedural rules, and a cultural bent toward plain, simple statements are at once historical and constraining. Although we take our rules and our culture seriously, we should not write as if we were shackled to passive expression—best explained by safe writing—rather than plain writing. The cultural threads that bind us to a lawyer-like writing style are the same ones that bind legislators to arcane statutory references, unconstitutional vagueness and rambling inequities. Now that we have more lawyers running for election, things might get worse.


Our license to write for our clients is very different from the literary license and journalistic conventions freely used by other writers. Written communications are the glue that binds us to clients, judges and colleagues. We preserve confidences, write only the truth and rarely make jokes. Consequently, the entire world of creative writing is decidedly not open to us.

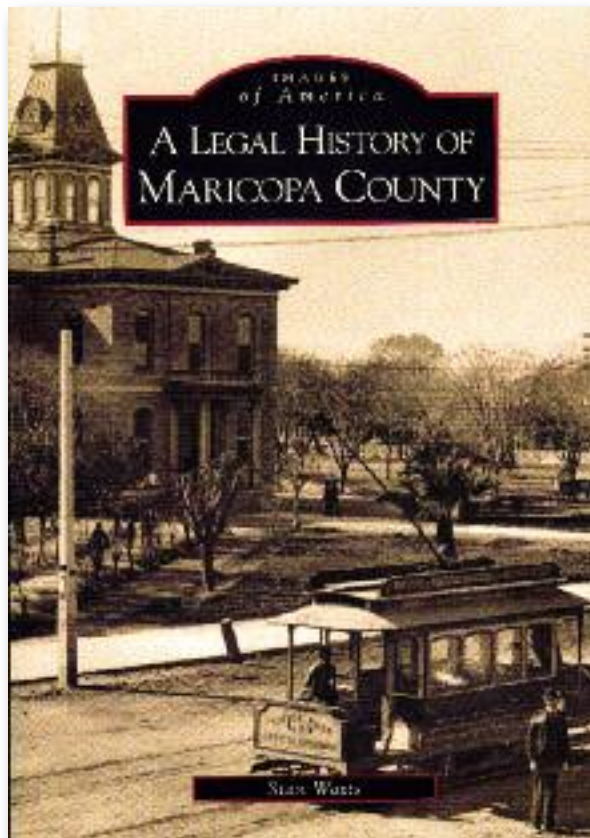
Nevertheless, we can write better than we do by striving for the artistic creativity that is open to us. We can turn boring facts into stories, dull legal references into principled positions, and matter-of-fact motions into stirring pieces about right and fairness. It is all in the words we select, the ones we cut, and how much thought we give to our documents before signing them.

Take Stan Watts, for example. Like most Maricopa County lawyers, he earns his daily fee by doing everything working lawyers do—talking, investigating, researching, planning, filing and writing legal documents. Fortunately for us, he also writes about the law, its history and its impact on those whose literary license is not constrained by truth, justice or fairness.

His 2007 book bears a plain and simple title—*A Legal History of Maricopa County*. Though it does not have a catchy title, Watts' book is a treasure chest of important, memorable and well-told stories about our forebears, their practice and the cases that made big news in the legal world. As Watts put it in his introduction, "The law is a cloak that covers virtually every aspect of community life." He carefully examines both law and philosophy by searching the county's legal history for evidence of how it shaped Arizona's central character.

Maricopa County's legal giants include the first female chief justice of any state supreme court, the first Hispanic federal district judge, the first Chinese American federal judge, and, of course, the first female justice of the United States Supreme Court. While all those names are familiar to us, how many of us knew about Hernan Cortez, who in 1521 placed Maricopa County under Spanish law?

Proving that words, when linked to photographs, are the best way to wipe off history's dust, Watts' book is filled with faces, buildings, shacks, benches, chambers (gas and otherwise), horses, trolleys, street corners, robust beards and lost hairstyles. He even included a picture of a handsome young lawyer named Van O'Steen, taken in 1976 when he added legal advertising to the writing skills of lawyers all over America. 



### A Legal History of Maricopa County

by Stan Watts

Paper, 128 pages

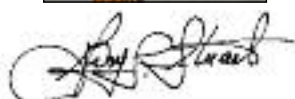
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### WRITING TIP

#### Our Pages Tell On Us

Lawyers often write from line to line, and from problem to solution, while forgetting an elementary principle of creative writing—write between the lines. We do not pay enough attention to the *appearance* of our words on the printed page. Any good judge knows when she sees page after page of long quotations, string-citations, legal hamburger helper and inconsistent pacing breaks, it is best to skip to the end. Once there, she will decide for herself how the case should turn out, unhampered by any stylistic, persuasive presentation by the putative lawyer.

Writing between the lines means having an ongoing awareness of how our pages look, how the brief reads, and whether it influences our compelled readers. Do we look dull, ripe or Weltschmerz?

Our pages will tell on us. Do not write like you have to; write like you want to.

