

A SHORT AND HAPPY GUIDE TO LEGAL WRITING,
DEBORAH L. BORMAN (WEST ACADEMIC 2019), 138
PAGES

Reviewed by Sarah J. Morath*

Deborah Borman's *A Short and Happy Guide to Legal Writing*¹ is just that—short and happy. First, this book easily fit into my small carry-on bag, and because it was a quick read, I was able to read it cover to cover on a flight from Calgary to Houston. Second, even though I have taught legal writing for ten years, I found the tips and reminders about legal writing useful and Professor Borman's delivery refreshing.

Professor Borman's first book is part of West Academic Press' Short and Happy series and is marketed as a study guide similar to other books in the series. To that end, the book is written for students who need additional support with the form and substance of legal writing. Because the book is geared towards helping students "streamline"² the writing process, it does not function as a standalone text for a first-year legal research and writing class. Professor Borman does, however, hit the highlights of this foundational legal writing class. In 138 pages, Professor Borman touches on everything from the Magna Carta, to drafting emails, to stress management in law school, to the "one good case" research method. As such, this book would also be extremely useful to both students and attorneys looking for additional guidance or a refresher on first-year legal writing topics. And since the book provides an introduction to most skills covered in a legal writing class, the book could potentially be used for law school orientation reading.

The book is organized into five parts: short and happy legal history, sourcing and citing the law, happy writing structure, happy persuasive writing, and legal writing tips. Part I explains the origins of U.S. law and the state and federal court system of today.³ Part II describes the sources of law and covers important first-year terms like primary and secondary authority and skills like reading and briefing a case.⁴ Part III discusses the structure or components of legal writing and includes the paradigms used in legal analysis (e.g., CRAC,

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¹ DEBORAH L. BORMAN, *A SHORT AND HAPPY GUIDE TO LEGAL WRITING* (2019).

² *Id.* at 2.

³ *Id.* at 5-18.

⁴ *Id.* at 19-38.

CREAC, and TREACC, Professor Borman's preferred paradigm).⁵ Part IV describes legal analysis in the context of briefs.⁶ Part V includes legal writing tips for writing under pressure and avoiding common grammatical errors.⁷ A short primer on legal research concludes the book.⁸

Professor Borman has over a decade of legal research, writing, and teaching experience. Because of her expertise in the subject matter, she was able to distill what is typically covered in a two-semester, 5 to 6 credit class into an afternoon read. No small feat! Professor Borman condenses complex topics such as rule synthesis and rule application into digestible paragraphs.⁹ In true expert fashion, Professor Borman has flagged potential areas of confusion for students like distinguishing the disposition from the holding of a case.¹⁰ You can almost hear Professor Borman remind her students to breathe, use simple language, and keep writing.¹¹ Cognizant of the importance of document design, Professor Borman also provides "Pro-Tips" to students, such as which citation rules to tab, in text boxes.¹² In addition to text boxes, the book includes bullet points, screenshots, and roadmap paragraphs in each chapter to guide the reader through the material.

Another sign of an expert professor? Someone who uses analogies and hypotheticals; this book has plenty of both. Professor Borman uses an "elevator analogy" to describe the three tiers of authority: precedent cases, statutes, and regulations.¹³ Citations are compared to addresses in a foreign language.¹⁴ Perhaps the most useful chapters for a struggling student are Chapters 5 and 6. In Chapter 5, Professor Borman carefully walks the reader in a step-by-step fashion through the legal analysis process using hypothetical facts and law. The facts involve the classic dog bite scenario, and the hypothetical law includes a statute and two cases that reach the opposite conclusion concerning the dog owner's liability.¹⁵ Professor Borman helps the reader understand the facts, digest the precedent cases, synthesize a rule,

⁵ *Id.* at 39-74.

⁶ *Id.* at 75-100.

⁷ *Id.* at 101-136.

⁸ *Id.* at 123-136.

⁹ *Id.* at 55-57.

¹⁰ *Id.* at 28.

¹¹ *Id.* at 108.

¹² *Id.* at 35-37.

¹³ *Id.* at 22-24.

¹⁴ *Id.* at 30.

¹⁵ *Id.* at 41-58.

compare precedent to the hypothetical facts and, in Chapter 6, produce a complete discussion section of a legal memo using her preferred TREACC paradigm (Thesis, Rule, Explanation, Analysis, Counter-analysis, and Conclusion).¹⁶

One weakness of the book, however, is that the useful guidance found in Chapters 5 and 6 is lacking in Chapter 8: May You Please the Court. In this chapter, Borman uses a single real federal case to “flesh out the components of a legal brief.”¹⁷ Instead of reading Professor Borman’s writing, the reader spends considerable time with the words of a judge. While reading persuasive writing can be useful when learning how to write persuasively, Chapter 8 contains minimal discussion of persuasive writing techniques. The related ethical considerations are given similarly short shrift. These shortcomings could have been cured with a note of caution about the introductory nature of Chapter 8, as done in other parts of the book.¹⁸

Simplifying and streamlining the first-year legal writing curriculum into a short book is no easy task, and Professor Borman has done an impressive job. Her passion and love for teaching legal writing shine through. Her humor, apparent. These qualities engage the reader through what is often described as “awful or terrible”¹⁹ topics. (Fortunately, we legal writing professors know otherwise!). Professor Borman’s book should be on every legal writing and academic success professional’s bookshelf, not only for the laughs but to share with those who might benefit from a short and happy approach to legal writing.

¹⁶ *Id.* at 59-64.

¹⁷ *Id.* at 78.

¹⁸ *E.g. id.* at 29 n.3.

¹⁹ *Id.* at 1.