

*THE (NOT TOO SERIOUS) GRAMMAR, PUNCTUATION,  
AND STYLE GUIDE TO LEGAL WRITING*

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I laughed out loud on a plane while reading a book about grammar.

No, I was not laughing at myself for being a giant nerd and passing time on a long flight by reading a persnickety, prescriptive list of rules. I was laughing because the book was genuinely—delightfully—funny.

If you have read any other work by Professor Diana J. Simon—whether it be her periodic columns on legal writing in *Arizona Attorney Magazine*<sup>1</sup> or her many scholarly articles<sup>2</sup>—it will come as no surprise to you that her book, *The (Not Too Serious) Grammar, Punctuation, and Style Guide to Legal Writing*,<sup>3</sup> is a brisk, engaging read, animated by her singular voice and chock full of memorable anecdotes and helpful examples. The title disclaims its seriousness, but do not be fooled: although the book deftly deploys humor to make the rules it teaches indelible, it is also deadly serious about

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1. E.g., Diana J. Simon, *More True Confessions of a Legal Writing Professor: The Continuing Study of Legal Writing Should Be Deemed a Required Part of Our Professional Responsibility*, ARIZ. ATT'Y MAG., June 2023, at 16–23; Diana J. Simon, *More True Confessions of a Legal Writing Professor: I Will Never Surrender to the Sinful Comma Splice*, ARIZ. ATT'Y MAG., Sept. 2022, at 44–48.

2. E.g., Diana J. Simon, *The Ombudsman Privilege is a House of Cards: The Organizational Ombudsman's Hopeful but Unrealized Promise of Privilege and a Roadmap for Keeping the Promise*, 41 TEX. REV. LITIG. 34 (2021); Diana J. Simon, *The Power of Connectivity: The Science and Art of Transitions*, 18 LEGAL COMM'N & RHETORIC: JALWD 65 (2021).

3. DIANA J. SIMON, *THE (NOT TOO SERIOUS) GRAMMAR, PUNCTUATION, AND STYLE GUIDE TO LEGAL WRITING* (Carolina Academic Press 2022).

its mission. Indeed, Simon sets forth her thesis in the first chapter: grammar, style, and punctuation principles matter, and law students and lawyers have the ethical obligation to master them.<sup>4</sup>

Like the excellent attorney she is, Simon exhaustively supports her thesis with well-chosen examples drawn from real cases, illustrating the consequences that befall the clients of lawyers who violate the rules. Not sure why you should care about passive voice? Simon cites one case where a lawyer's use of passive voice obscured the actor and thus hid the responsible party, giving the court no alternative but to dismiss the case.<sup>5</sup> In another example, passive voice in a contract created ambiguity as to which party had a particular right; because courts construe such ambiguities against the drafter, the drafter's client paid the price.<sup>6</sup> Clinging to *AP Style Guide* advice about the serial comma?<sup>7</sup> Perhaps the two cases Simon describes where a missing serial comma cost a party significant money (in one instance millions of dollars) will cure your dependence.<sup>8</sup>

And like the long-time legal-writing professor she is—she has taught law students lawyering skills since the 1990s—Simon uses humor and storytelling to make her lessons vivid and memorable. For example, Simon introduces a chapter on explanatory parentheticals with a charming story about how she adopted her dog and which lessons that dog appears to have retained from what he learned in puppy school.<sup>9</sup> Simon could simply have written that we attempt to assimilate a massive amount of information in law school, but certain skills and concepts are more crucial to remember (and more

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4. *Id.* at 3–7.

5. *Id.* at 148.

6. *Id.* at 149.

7. *Writing Tips: The Basics of Punctuation in AP Style*, PROOFED (Dec. 5, 2020), <https://proofed.com/writing-tips/writing-tips-the-basics-of-punctuation-in-ap-style/>.

8. SIMON, *supra* note 3, at 43–46.

9. *Id.* at 177.

useful in day-to-day law practice) than others, but where's the fun in that? Similarly, if reading that the English call crosswalks "zebra crossings" helps just one law student or lawyer remember the concept of parallel structure, that alone is worth the countless hours of research Simon devoted to the issue.<sup>10</sup>

Humor, case law, and storytelling aside, the text is an excellent resource on usage issues particular to legal writers. A chapter on quotations not only covers appropriate punctuation and formatting but also provides detailed guidance on when to quote and when to paraphrase.<sup>11</sup> The same chapter introduces the emerging trend of "cleaned up" quotations—first advocated in detail on the pages of this very *Journal* back in 2017<sup>12</sup>—and provides tips on how and when to use them.<sup>13</sup> In a chapter on pronouns, Simon sensitively navigates the topic of the "singular they" and in the process draws the reader's attention to oft-ignored noun/pronoun agreement rules pertaining to collective nouns like courts, juries, and companies.<sup>14</sup>

I have taught legal writing for fifteen years, and for many of those years I wrote a column on the topic for Arizona's State Bar magazine.<sup>15</sup> In those years, I researched and wrote pieces on a wide array of grammar, style, and punctuation issues. I have consulted countless style guides, whether to cite them in an article or to refer a struggling student to a particularly cogent explanation. I have a favorite punctuation mark. But I learned several new things from Simon's book. I daresay you would, too.

Is Simon's book an exhaustive treatise on every possible grammar, style, or punctuation pitfall? No. For example, I would be interested to read Simon's take on

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10. *Id.* at 133.

11. *Id.* at 112–13.

12. See Jack Metzler, *Cleaning up Quotations*, 18 J. APP. PRAC. & PROCESS 143 (2017).

13. SIMON, *supra* note 3, at 129–31.

14. *Id.* at 85–91.

15. *E.g.*, Susie Salmon, *Legal Writing for a Digital Audience (Part I)*, ARIZ. ATT'Y MAG., Sept. 2021, at 8; Susie Salmon, *THEM!*, ARIZ. ATT'Y MAG., Oct. 2018, at 10.

nominalizations and stacked prepositional phrases, which some legal writers—novice and otherwise—combine to construct spectacularly convoluted and impenetrable sentences. And sometimes, Simon errs. I mean, em-dashes are like sneakers?<sup>16</sup> Please. Clearly, they are the jazz hands of punctuation. But such minor missteps are forgivable. No one text can address all possible errors, and a ponderous tome risks relegation to the role of doorstop. Simon nimbly balances coverage with accessibility; clocking in at just under 200 pages, *The (Not Too Serious) Grammar, Punctuation, and Style Guide to Legal Writing* is meant to be read and savored chapter by chapter, not just hefted off a high shelf to be consulted once or twice a year. Indeed, in commenting on drafts this past semester, I already have referred many students to the chapters on transitions and parallel structure (even though I published a piece on the latter topic myself).

Lastly, I would be remiss if I did not note the apt and charming original cartoons Simon commissioned for the text. Far from trivializing the subject matter or infantilizing the reader, the drawings, which are sparingly but effectively used, complement the text and Simon's playfully humorous tone. They are also clever in their own right; the one accompanying the chapter on apostrophes would not seem out of place in the pages of *The New Yorker*.<sup>17</sup>

Compulsively readable and highly entertaining, *The (Not Too Serious) Grammar, Punctuation, and Style Guide to Legal Writing* is savvily pitched to a broad audience; it is useful and enjoyable for anyone interested in writing and the law, from summer extern to seasoned appellate practitioner to your neighbor who always buttonholes you to chat about the latest SCOTUS opinion. Forget the "I'm silently judging your grammar" mug; this book is the gift you buy for that persnickety partner who forces you to delete every "that" and serial

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16. SIMON, *supra* note 3, at 81 ("Em dashes are like a pair of tennis shoes.").

17. *Id.* at 52.

comma, and it is equally suitable for the undergraduate aspiring attorney, the recently admitted law student, or the recent law graduate.

It is not just a worthy addition to any legal writer's bookshelf. It is a great read for anyone who loves writing.

