

Humility¹

by Raymond P. Ward²

If there is one virtue that makes a good legal writer, it is humility.

True humility should not be confused with groveling. Humility does not deprecate self while flattering the court. That kind of groveling is usually phony. And when it's not phony, it's embarrassing.

True humility is to see yourself as you are. Flannery O'Connor described humility as self-knowledge. "[T]o know oneself is, above all, to know what one lacks. It is to measure oneself against Truth and not the other way around. The first product of self-knowledge is humility"

But how does this virtue manifest itself in legal writing? In many ways.

Humble writers understand the need to learn how to write. They work hard to learn the rules of grammar and syntax, of composition and exposition, and of rhetoric. They know that the rules have to be learned before they can be effectively broken. Steven Stark put it well: "Picasso couldn't have become Picasso without learning to sketch a simple still life first." Those who are too proud to learn the rules probably aren't artists, geniuses, or pioneers; more likely they're just lazy and undisciplined.

Humble writers rank the reader's convenience ahead of their own. They work hard so the reader doesn't have to.

Humble writers respect their opponents and their opponents' arguments, understanding that demeaning the opponents' arguments as being "frivolous" or "without merit" does nothing to persuade the reader-judge. Instead, before dismantling the opponent's argument, humble writers state it fairly and respectfully.

Humble writers understand that the message is what's important. So humble writing is transparent. The words express their intended meaning; they don't call attention to themselves.

Humble writers naturally avoid purple prose and anything else that is overwrought or overdone. For the same reason, humble writers are plainspoken, always favoring the 10¢ word

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over the \$20 word, always favoring plain English over Latin or French.

Humble writers never inject their own opinions into the writing but understand E.B. White's words: "To air one's views gratuitously ... is to imply that the demand for them is brisk, which may not be the case, and which, in any event, may not be relevant to the discussion. Opinions scattered indiscriminately about leave the mark of egotism on the work."

Humble writers are economical with words, with quotes, and with citations. Valuing the reader's time and energy, they write concisely, using the fewest words possible to get the point across. They understand that the purpose of quotes and citations is to support the argument, not to show off how much legal research they have done. So they work hard to figure out which authorities are necessary and which aren't, and use only the necessary ones.

Humble writers realize that their writing is not the product of genius, and so are willing to revise, and revise some more. Being realists, they can look at their own writing with a critical, objective eye, and see its flaws. Rheta Childe Dorr's description of an artist's "true humility" applies to such writers: "His reach forever exceeds his grasp. He can never be satisfied with his work." And humble writers, realizing that they don't know everything, can submit their work to others and accept constructive criticism.

In the end, humble writing is more persuasive than proud writing. Readers—including judges—find genuine humility both engaging and persuasive. Perhaps that is because humility, as Kafka observed, provides us with our strongest relationship to others.

"Humility helped me to triumph," said Albert Camus, and humility can help the legal writer do the same.