

NOTABLE QUOTABLES: HOW TO ENHANCE YOUR LEGAL DOCUMENTS

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To quote the words of Professor Zechariah Chafee, Jr. — “Words are the principal tools of lawyers and judges, whether we like it or not.”¹ Consequently, your objective is to communicate to the court exactly what issue(s) you are seeking to advocate or litigate.

First — you must focus on the ABC’s of legal writing: Accuracy, Brevity, and Clarity. If you plan to file a Section 1983 complaint, you should also submit a ‘Memorandum of Law, In Support of The Original Complaint.’ Or, you are appealing a court ruling and intend to file an appellate brief. Each document is your opportunity to ‘communicate’ your legal positions to the court.

It must be as short as possible. It must be precise, and you must be clear as well. In both documents, your section entitled “Argument” is essential. In my writings, I use metaphors, euphemisms or similes. However, you should always avoid cliches.

A powerful quotation either at the outset—to place the court’s attention in a particular frame of mind—or at the conclusion of a document—to reiterate or stress your position—is a valuable strategy. Above all, do not try to impress the court with legalese or lots of long words. Keep it simple!

Draft your documents, revise, refine, and then spice it up with a relevant quotation to highlight your bottom line. I am including a few notable quotables to get you started. Go to your library, seek out literature, especially ‘popular quotations.’ Take your time and craft your argument.

Choosing a relevant quotation is a mission to determine *mot juste*, the right words which separate the legal scholar from the legal wannabe.

Sample Quotations

“[P]risoners do not shed all constitutional rights at the prison gate...”²

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¹ Zechariah Chafee, Jr., *The Disorderly Conduct of Words*, 41 Colum. L. Rev. 381, 382 (1941).

² *Sandin v. Conner*, 515 U.S. 472, 485 (1995).

“There is no iron curtain drawn between the constitution and the prisons of this country.”³

“Nobody has a more sacred obligation to obey the law than those who make the law.” -Jean Anouilh

Latin: Sed quis custodiet ipso custodes
English: Who will guard the guards themselves?⁴

“[I]f we trespass beyond the bounds of decency, such excesses become an affront to the sensibility of each of us.”⁵

“Law must be stable and yet it cannot stand still.”⁶

“[Any] palpable mistake, violating justice, reason and law, must be corrected, no matter by whom it may have been made.”⁷

“It is more important that the court should be right upon later and more elaborate consideration of the cases than consistent with previous decisions.”⁸

³ *Ruiz v. Estelle*, 679 F.2d 1115, 1126 (5th Cir. 1982) (quoting *Wolff v. McDonnell*, 418 U.S. 556, 557 (1974)).

⁴ Juvenal, *Saturae*, VI, line 347-48.

⁵ *Novak v. Beto*, 453 F.2d 661, 676 (5th Cir. 1970).

⁶ Roscoe Pound, *INTERPRETATION OF LEGAL HISTORY 1* (Cambridge Univ. Press 1923).

⁷ Simeon Eben Baldwin, *THE AMERICAN JUDICIARY* 61 (1905) (quoting *McDowell v. Oyer*, 21 Pa. 417, 423 (1853)).

⁸ *Barden v. Northern Pac. RR.*, 154 U.S. 288, 322 (1894).