

# CCISSR: THE PERFECT WAY TO TEACH LEGAL WRITING

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I remember the moment vividly. I was six years old, in the first grade. My teacher was saying something that she thought of some import to us. I was not paying attention. I was daydreaming. “George!,” she said, impatiently. “George Gopen!” I snapped to attention. “You weren’t listening to me.” “I’m sorry, Miss Daly, I was thinking about what I want to do when I grow up.” “Well, please share that with the class, George. What do you want to do when you grow up?” And I replied, “I want to teach legal writing.”

Well, maybe it didn’t happen quite like that. I cannot imagine that any of us at this Legal Writing Institute conference dreamed of doing what we do when we were youngsters. I would wager there are precious few people who wish to teach legal writing other than those of us who actually do the job. How strange it is to do something -- and to enjoy and appreciate doing it -- that we could never have imagined ourselves doing in our youth.

On my own road to the profession, long as it was, I never saw a single road sign that pointed me in that direction. While pursuing a law degree at Harvard, I decided I really wanted to be an English professor. I worked on the two degrees simultaneously and landed a three-year Visiting Assistant Professorship in the English Department of the University of Utah. The year was 1975. When I arrived there, the new Director of Writing Programs, John Muller, saw my two degrees and gave me some funds to create a course in advanced composition for pre-law students. I wrote half of the law schools in the country, asking what they did to train students in legal writing and what their university did in prepara-

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tion for that at the undergraduate level. All but six of the eighty schools wrote back: Seventy-two of those seventy-four were intensely curious. A few already had legal writing courses; none reported any action on the undergraduate level. I chose the four most interesting responses and invited the writers to a mini-conference on fashioning a pre-law writing course. We created a skeletal plan; I fleshed it out and taught the course; I wrote an article about the course; I wrote another article about what I had learned about law school writing programs; I got a contract from West Publishing Company to create a textbook; and when I went back into the job market, I discovered I had credentialed myself as a writing expert.

I was then hired as Director of Writing Programs at Loyola University of Chicago. Within a few weeks of arriving there, I was hired by the uncle-of-my-next-door-neighbor as a writing consultant to his law firm. Before I knew it, I was a teacher of legal writing.

From that followed a collaboration with Joseph Williams, Greg Colomb, and Frank Kinahan in our legal writing partnership we called Clearlines. Two more books and 130 clients later, here I am.

Let me share with you a few excerpts from those letters I received in 1976 from law school deans and professors to indicate what the world of legal writing instruction looked like back then.

From the University of Puget Sound: "For the past four years I have been directing a tutorial English program for first-year students. This is not the ideal situation because by the time students reach that level they are too busy to have time to study English."

From the dean at the University of Arizona: "I have no specific thoughts on writing programs for undergraduates or law students. I believe them vital, but beyond urging students to take every opportunity to write under supervision, I have been unable to offer more advice. Perhaps your experience will enable me to be more helpful."

From the University of Wyoming: "My own conclusions are usually pessimistic: People speak and write well only if they grew up hearing and *reading* literate English, and most of today's students have not done that; it is next to impossible to teach anyone over twenty-one to write unless he is very strongly motivated; the only way to learn to write is to be forced to write a lot; the only way to teach writing is to confer with each student individually about what he has written. For the last two methods the law

school curriculum has no time, and I have tried everything I can think of to motivate students without great success.”

From the George Washington University: “Frankly, it seems to me unlikely that writing courses per se will become commonplace in law schools. The quantity and variety of substantive and procedural law which must be covered and made available to the students militates against it. Moreover, there has been and continues to be, I believe, a rather strong feeling that students should have mastered appropriate and effective use of the language before arriving at law school. Despite some evidence to the contrary, I believe that feeling is likely to persist.”

And from the dean at the University of Chicago: “I confess it does seem astonishing to me that a special course on, in effect, remedial writing should have to be given at the college junior and senior levels.”

There seems to have been a tendency to pass the blame backward: Law schools blamed the colleges; colleges blamed the high schools; and high schools blamed the middle schools. Fortunately, we have come a long way since 1976.

Writing has always been difficult to teach. It is nobody’s “fault.” Writing is taught to the very young. In trying to accomplish that task, teachers are faced with a number of disabling artificialities, of which three are especially difficult to overcome:

- (1) The best way to teach children is binary -- right/wrong, yes/no, allowed/forbidden. We do this in part because children do not yet have the intellectual ability to understand more complex problem-solving; we do this in part because it is the best way to control their behavior. Let us say your child has now become old enough to cross the street alone. You need to teach them how to do that safely. You are with them in the middle of a city block. You show them the right way to do it: “We walk to the intersection; we wait for the light to turn the appropriate color; we look left and right and then left again; and then -- and *only* then -- we cross the street. Always. 100% of the time. Don’t ever let me catch you doing it any other way.”

But on the next day you find yourself in the middle of that same block, already a few minutes late for a business appointment directly across the street. There are no cars around and no police in sight. Do you walk to the intersection, wait for the light to change, look three ways, cross the street, and then walk a half block back to the building in

question? No. You zip right across the street in the middle of the block. Why? Because you know that the *reasons* for the “rules” are to prevent an accident or a jay-walking ticket. Since there are no cars and no cops, the reasons disappear, and across the street you go. But you do not trust your child to undertake the intellectual process that you as an adult feel you have the competence to undergo. If the kid tries that and makes only one mistake -- no more kid.

- (2) What is the nature of the writing tasks these children are assigned? Over and over again in their composition classes they are asked to do something they may never be asked to do as a functioning adult -- to produce a piece of writing exclusively for the purpose of being evaluated on how well they can produce a piece of writing. In most adult or professional writing tasks, something other than that is “at stake”: A client or a colleague must be informed; a court or a foundation must be persuaded; a friend or a foe must be humored; a community or a government must be challenged.

Separating a technique from the normal purpose it serves will often lead to self-conscious, awkward, and (ironically) inefficient performances. Consider, for example, the following way of ruining a fine dining experience. You have looked forward for weeks to trying a new restaurant that has been receiving rave reviews. When the evening finally arrives, and you are exploring with great delight the endlessly attractive menu, a rather stuffy looking gentleman, formally dressed, approaches your table, stands imposingly at attention, clears his throat, and addresses you: “I am from the State Board of Regents for Table Manners. I have come to observe you dine. Please commence.” And with that he sits down. Throughout the meal you find yourself consciously and cautiously deciding when to shift the fork from one hand to the other, or how far down the head can go to meet the rising soup spoon. In short, you “dine” differently because you were giving to the technical support process the attention you should have been paying to the substance of the meal. You behave in an awkward, self-conscious manner in a nervous attempt to please the imposing authority figure. The same holds true far too often when students produce writing for writing teachers. (And that, by the way, is the main reason their

writing is far worse in a formal paper than it is in an informal note they write you on an important matter.)

- (3) For whom do our students think they are writing? For that most dreaded of all audiences, the “Big Red Pen in the Sky.” They often view their writing teacher as someone who is paid to act as an unreasonable reader. Unlike anyone else, this tyrant reads not for substance, but for error -- not for communication, but for form. Students are convinced that a “real” reader would have no problem in extracting from that prose its “real” substance and intent.<sup>1</sup> When they receive a paper back from an English teacher with a marginal comment by the fourth paragraph that says, “I don’t see what you are getting at here,” they might think: “Oh sure. My *History teacher* would have understood. My *roommate* would have understood. You’re just ‘pretending’ not to understand because you are primarily concerned with the rules of writing.” English teachers appear to the public as people paid to be unreasonable readers.

Writing as a student is an entirely different rhetorical task than writing as a professional in the working world. When a professional writes, he or she is the expert, writing for the purpose of informing others. We have a technical term for this rhetorical act: We call it “communication.” But it is a lie or a fantasy to say that students are primarily involved in communication when they write for a teacher. They do not think that, having spent two days in the library, they are now the “experts” in this subject, and that their task is now to fill full the empty vial of the teacher with the milk of knowledge. In fact, they usually wander too far in the opposite direction: They think that the teacher knows 100% of what could be known on the subject. Their task, therefore, is not one of *communication* but rather the duller, more limited, more burdensome rhetorical task of *demonstration*. They write to *demonstrate* to

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<sup>1</sup> For a dramatic exposition of this point, see Joseph M. Williams, *The Phenomenology of Error*, 32 *College Composition & Commun.* 152 (May 1981). In that essay, Professor Williams explores the subject at some length, during which most readers note that he commits four or five obvious grammatical errors. At the article’s end, he confidently announces “If by this point you have not seen the game, I rest my case.” His essay contains “about 100 errors.”

the teacher that they now control 4.7% or 5.2% of the 100% that the teacher knows.

This act of demonstration is rendered burdensome and anti-productive by at least two major problems: (1) Since there is no real purpose in the writing other than to fulfill an academic obligation and achieve "credit," the act is often joyless and pointless, producing just the kind of lifeless prose and academic posturing we see all too often in student papers. (2) To achieve success, students merely need to fill the required number of pages, sticking to the required topic and depositing *somewhere* on those pages a number of critical terms, names, dates, facts, and theories. The teacher, they know full well, will be able to put all that together. And if this effort shows improvement over their last one, they will do well.

The job of a professional, however, involves more than this. A professional is someone who is paid to make the appropriate connections. Those cannot be left up to the reader. In a legal brief, both sides may refer to all the same facts and cases and statutes. The winner will be the lawyer who best demonstrates how the facts, cases, and statutes *go together* to bolster that lawyer's side of the argument.

As a student, trying hard and improving since last time together spell success. In the real world, no one cares how hard the writer tried nor how much he or she has recently improved.

Can you imagine a judge looking at a brief and saying, "This is a prolix piece of junk, but it's so much better than the last one you submitted; you win the case." It doesn't happen.

Now consider how many of these school-related problems still exist on the law school level. Surely, law school being well beyond the intellectual level of the years in which we were first taught to write -- and just moments away from the "real" professional world -- must not the rhetorical task be wending its way from the act of demonstration towards the act of communication? I'm afraid not. In fact, the law school writing classroom is the most demonstration-laden of them all. Most of us initially assign "canned" problems for our students. The issues are always narrow and well-defined. The relevant cases are often already supplied. As a result, students know we are clearly looking for them to come up with the

“right answers” in their mock briefs and fantasy memos. We put ourselves forward as knowing 100% of the material; the students, in turn, try to demonstrate what percentage of it they have now mastered.

We as a group have become the “State Board of Regents for Legal Table Manners.” We have come to observe them dine. We grade students on how much they have learned about etiquette and the style with which they offer themselves to our artificially enclosed world.

Do you have separate comment sheets for “what they said” and “how they said it”? Is it possible NOT to separate these? Is it possible TO separate these? And to evaluate the “substance,” do you have a list of points or terms of art or concepts or case references for which the students get “credit” if they have brought them somewhere to the page? Are we not back to “right answers”?

We are inculcating students into a new mystery. We are the priests; they are our acolytes. As a result, once more they are required merely to get certain information down onto the page. It matters more *that* the information be there than *where* or *how* it appears. We tend to assume that if the right bits are down there, more or less in an intellectual neighborhood, the writer must understand how to synthesize all these pieces of information into ideas. We assume that because *we* know how to do it. We are wrong.

Can the students use what we teach them in one of our assignments to succeed better the next time they have to perform a similar legal thinking and writing task? Are we teaching them how to think on paper like lawyers? Or rather are we merely teaching them how to do the given assignment?

I fear it is only the third of these questions to which we can answer “yes.” We concern ourselves too much -- overwhelmingly -- with the expected content and format of the different kinds of legal documents the students will be called upon to produce as lawyers. But that is such a small gain, is it not? If your students were never taught what must appear in a legal memo, they would learn it (as generations of lawyers used to learn it) from the disapproving response of the more senior person who rejects their first professional attempt to write one. Put ten first-week law students in a closed room for two hours with three memos, three briefs, three contracts, three letters, and three judicial opinions -- collated in a random order. Give them the names for the five categories of documents. Ask them to separate the fifteen documents into those

five categories. Ask them to articulate the descriptive parameters for each category. Nine of your ten students will probably do a good job of it and may learn a great deal more than they would have by listening to us lecture about the distinctions for class after class. These things are important, but they should by no means be our primary concern.

Instead, our primary concern should be to teach them how good writing and legal thinking must interact to produce good legal work. Writing is thinking; thinking is writing. If you can get better at one, you can get better at the other. In order to get better at one, you must get better at the other. And it doesn't matter with which you begin.

When we at Duke were hiring an Assistant Director for the University Writing Program a number of years ago, I asked all thirteen semi-finalist candidates the same question:

*If I were your student, and I had handed in to you a paper on the third page of which was a paragraph that contained all the different ways in which I wrote badly, how could you use that paragraph to show me not how I could have written that paragraph better, but rather how I could do a better job the next time I wrote something else?*

Four of the thirteen gave me fuzzy, unfocused answers about heuristics, free-writing, and making outlines. The other nine all said, "It can't be done." All were Ph.D.s or about to receive their Ph.D. in Composition Studies. Such despair, common though it may be, is not necessary. We can do a great deal that is more helpful than what most of us have been doing. We can help the students make the move from demonstration to communication. We can do that by getting them to look at writing not from the perspective of a student trying to please, and not even from the perspective of a teacher who already knows it all, but rather from the perspective of the only person in the real world who counts where writing is concerned. That person is the reader. We should be teaching our students how readers read.

Here is my bold new suggestion: Our students can control the reader's interpretation process by my new method of Color Coding for the Interpretation of Syntactic and Substantive Relationships: CCISSR. (That is pronounced "kisser.")

On the sentence level, there are five essential questions a reader must be able to answer in order to understand not simply "what information was in the sentence," but rather how to forge

that information into the thought that the writer wished to communicate. Here are the five questions:

- (1) What is going on?
- (2) Whose story is this?
- (3) How does this sentence link backward to the one that I've just finished reading?
- (4) How does the sentence lean forward to what might come next? And, most importantly;
- (5) What in the sentence is most deserving of my readerly emphasis?

If almost all readers of a particular sentence agreed on the answers to these questions -- and those answers are the ones the writer wanted them to perceive -- then we would have to agree this particular sentence "was well written." The bottom line question where quality is concerned is simply this: Did the reader receive what the writer was trying to send? If the answer is yes, the sentence was good enough; if the answer is no, the sentence was not good enough. And it matters not in passing how impressive or dazzling or sexy the sentence did or did not appear to be.

Now if we adopt my color-coding approach of CCISSR, as I would urge were I to be made this nation's "Czar of Writing," think how clear all thought would become. Take the fifth question first. What if we all were to print the most important word or words in our sentences in red? No one (except the color-blind) would ever again mistake our intended emphases. As readers, whenever we would begin a new sentence, our eyes would instantly spot the words printed in red. We would increase our sense of emphasis as we read the red and decrease it thereafter. The sentence you have just finished reading would have benefitted from such a color scheme:

We would increase our sense of emphasis as we read the red and decrease it thereafter.

If "sense of" had been pink, and "emphasis as we read the red" had been red and "and decrease" had been pink, with all the rest being black, your eye would have seen the crescendo-decrescendo without your mind having to construct it from the sentence's substance. It would have been easier to read.

Sound good? Just extend CCISSR to its logical conclusion and colorfully indicate to your reader all the answers to those five essential questions:

- What is going on in this sentence? Print it in brown. No one will ever mistake which nominalization you intended as the sentence's main action.
- Whose story is it? From whose perspective are we to consider this sentence? Print that in green. The green will tell us that this is the *plaintiff's tale*, not the *court's* nor the *defendant's* nor that of *clause 3B(ii) of the contract*.
- How does this sentence link backwards to the previous sentence? Print that in orange. People will learn to look at those words first.
- How does it lean forward? Print that in yellow.

Assign a color to every recurrent intellectual function, and no non-color-blind reader -- once the reader has gotten this system RIGHT -- will ever again misperceive your intentions. Getting this system RIGHT is of course the difficult part. It will take work. If they get it WRONG, continue teaching until they get it RIGHT. At the end of such a writing course, we could award diplomas that certify which students have gotten it RIGHT. We could even delay credit for the course until the student gets that certificate that shows they are RIGHT IN THE CCISSR.

I am a realist. I realize that my chances of getting CCISSR accepted on a national scale are well below my chances of winning the World Series of Poker.<sup>2</sup> So I have an alternative suggestion. I've been studying the language for quite some time now and have discovered that we already have a system that does what CCISSR would do. It is not as visually flashy, but it seems to work every bit as well, and perhaps even better. Readers already get their answers to these five questions from writers, but not by color coding. They get them from the structural location of information. The big news: Readers get most of their interpretive clues in a sentence

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<sup>2</sup>I feel compelled to note that when I delivered this address to the Legal Writing Institute Conference in July 2004, I used a different comparison at this point. At that time I said, "I realize that my chances of getting CCISSR accepted on a national scale are well below the chances of my Red Sox ever beating the Yankees in a game that really counts." I am ever so pleased now to have to edit this remark, given the miraculous progress of history.

not from word choice but from structural location. To say that differently, *where* a word appears in the sentence has a great deal to do with *what* a reader is likely to do with it.

Here is an example of concern #1 (“What is going on?”). Compare these two sentences:

- (1a) What would be the employee reception accorded the introduction of such a proposal?
- (1b) How would the employees receive such a proposal?

I ask a class of twenty students to underline the word or words in (1a) that indicate actions taking place in the sentence. Some underline no words, some one, some two, some three, some four, and some five. Given the variations of which two words the two people chose and which set of three words the three people chose, I wind up with at least fifteen different answers to my question. In other words, that reading community cannot agree in the least as to what is supposed to be going on in that sentence.

Then I ask them to do the same underlining for (1b). Fifteen to eighteen of them will underline one and only one word -- “receive.” Why such an agreement for (1b) and no agreement whatever for (1a)? In English, we expect the action of the sentence to be articulated by the verb. We lean forward to the verb in the expectation that it will announce to us the action. You can hear the flow of the sentence *towards* “receive.” For most people (not all), “receive” makes sense as the action. But in (1a), there is no such communal sense of flow. Some readers lean forward to “would be,” some to “reception,” some to “accorded,” some to “introduction,” and some to “proposal.” The permutations and combinations of these, while not infinite, are sufficiently overwhelming.

Is (1b) therefore a “better” sentence than (1a)? It turns out not to be. I produced the revision of (1b) for the author of (1a). She informed me I had missed her meaning altogether, because I had selected “reception” as the sole action. She had intended both “reception” and “introduction” to be actions. I was puzzled. I realized that I now knew that I did not know what her sentence was intended to mean. Yet, as her teacher, I could still tell her how to write it better. If “reception” and “introduction,” both nominalizations (nouns made from verbs) were her actions, she should make them verbs. She could then summon to the sides of those verbs as subjects the doers of those actions; and then I would know what she meant to tell me. In no time she produced (1c):

- (1c) How would the employees receive such a proposal if the executive board were to introduce it at this time?

Once you know (1c) is what she meant, you can “find” it in (1a). You cannot find it in (1b). If CCISSR were the law of the land, then printing “reception” and “introduction” in brown would have done the trick. Since that happy state has not yet come, we should stick to what our readers already know. Articulate actions in verbs. Most readers will find them.

Here is a simple example to illustrate the answer to question #2, “Whose story is this?”

- (2a) Jack loves Jill.  
 (2b) Jill is loved by Jack.

Most writing teachers will tell you that (2a) is superior as a sentence to (2b). They are wrong. They will argue that (2a) is better both because it is shorter and, more importantly, because it employs the active mode. (2b) is passive, and therefore bad, incompetent, and almost immoral. Utter nonsense. We could not write high quality English without the skillful use of the passive. It rearranges the sentence’s furniture. Jill moves up front, and Jack slides to the rear. This makes a significant -- and signifying -- difference.

Whose story is (2a)? Most people will say it is Jack’s story. Whose story is (2b)? Most people will say it is Jill’s story. If you want to tell Jill’s story, (2b) is the better sentence. Tell me all about Jill, I ask. You respond, “Jack loves . . .” but I interrupt. No, tell me about Jill. “OK, I will. Be patient. Jack loves . . .” No!, I say, tell me about *Jill*. “OK. OK. Jill is loved by Jack.” Thank you.

I have not the time or space here to expand on how vital it is to every English sentence that the “whose story?” question be answered by that person/thing/idea appearing up front, in the main clause as the grammatical subject, but that is what readers of English tend to expect. Would that we could print all the “whose story?” people/things/ideas in green, but we can’t. If, however, every clause is indeed the story of the subject of the verb, our readers will be just as well off.

For those who wish to see these principles explained in the full detail they really require, please see the book I have written for teachers of writing: *Expectations: Teaching Writing from the*

*Reader's Perspective* (Pearson Longman 2004). If you like what you find there and wish to assign a textbook for your students, take a look at my other book, *The Sense of Structure: Writing from the Reader's Perspective* (also Pearson Longman 2004).

I have time for only one additional example, which suggests the locational answer to the important question #5, "What in the sentence is most deserving of my readerly emphasis?" Which word or words in (3a) below do you think the writer intended us to emphasize?

- (3a) As used in the foundry industry, turn-key means responsibility for the satisfactory performance of a piece of equipment in addition to the design, manufacture, and installation of that equipment. P et al. agree that this definition of turn-key is commonly understood in the foundry industry.

I teach my students that readers of English tend to give extra emphasis to anything located in what Joe Williams and I call a "stress position." I define a "stress position" as any moment of full syntactic closure. Whenever the grammatical structure of an English sentence comes to a full halt, most readers experience a sense of emphasis. In English that is accomplished by the proper use of a colon, semi-colon, or period. It can never be created by a comma. (The comma is the only mark of punctuation in English that does not announce its function at the moment of its arrival. You always have to go *beyond* a comma to determine *what kind of a comma* it is trying to be. It therefore cannot produce a stress position.)

It takes a good deal of time to demonstrate the persuasiveness of this far-reaching statement about the existence and function of the stress position. Again I would refer you to *Expectations*, chapters 4 and 5.

I ask my students, once they have studied the efficacy of the stress position, to rewrite example (3a), basing their revisionary choices exclusively on their perception of which words they think deserve the greatest emphasis. I ask them first to circle those words and then to restructure example (3a) so that everything circled will be located in a stress position. Conversely, every stress position should be occupied by something they deem stress-worthy.

About a third of them decide to combine the two sentences into one, because they choose to circle no words whatever in the second sentence: They have heard about "turn-key" before; they have heard about "the foundry industry" before; and they deem P

et al.'s agreement of no great significance. This is neither right nor wrong, but the result of an interpretive decision. If P et al. are merely a footnote to this author, then they did not deserve a stress position, unless that sentence was located in a footnote. If, on the other hand, the most important concept in these two sentences was that -- *mirabile dictu!* P et al. agreed (!!), then this agreement did indeed deserve a stress position.

In the first sentence of (3a), what do my students circle as being stress-worthy? Almost everything. Some students (and consulting clients) circle "foundry industry," some "turn-key," some "responsibility," some "satisfactory performance," some "design, manufacture, and installation," and many circle a dizzying variety of combinations of these. Usually no one circles "a piece of equipment"; and yet look what occupies the stress position of the first sentence of (3a) -- that "piece of equipment." The sole stress position is occupied by the only term that most people agree is not worthy of stress. No wonder no two students produce exactly the same revision.

I asked the author (a practicing lawyer) what he intended us to emphasize. He said "satisfactory performance." (Do not feel bad if you did not get it "right." That was his fault, not yours.) If CCISSR had already been in place nationally when he wrote this, he simply would have printed "satisfactory performance" in red, and we all would have gravitated to it with ease and emphasized it in our mind when we encountered it. Lacking that, we can do only what we can do -- and should do, if communicating with our readers is our aim: We should put "satisfactory performance" into the sole stress position. Would that really signal most readers that it, and it alone, deserved our reading it with extra force? I think so. Try it for yourself:

- (3b) As P et al. agree, the foundry industry uses the term turn-key to signify responsibility not only for the design, manufacture, and installation of a piece of equipment, but also for its satisfactory performance.

And what do we expect to hear more about in the following sentence? Satisfactory performance. Such a hullabaloo was made of it in this sentence, without yet explaining for us *why* it was so important. That, we expect, will be the topic of the next moment of the text.

So perhaps we do not need CCISSR after all. We already have reader expectations. We all know these expectations, intuitively, as readers. My effort has been to make us consciously aware of them as writers. Note how such knowledge can give us a reader's eye view of our own prose: We look at one of our sentences and ask, "Is the most important piece of information located in the stress position?" That is a question, most of the time, we as authors can answer. If we find it is not so located, then we know that *a high proportion of our readers will disagree as to what we want them to emphasize*. The act of moving that to the stress position will be no mere mechanical nor cosmetic act; to do it, we have to re-descend into the thinking process, deciding what really is and was meant to be "important."

Just imagine requiring our students to print the important thing in each sentence in red. Think how easy it would be to see what was really on their minds. Give it a try. (Perhaps **bold** would be easier to affect than red.) Then get them to restructure each sentence so that the red or bolded words resided just before a properly used colon, semi-colon, or period. I guarantee you their prose will be transformed. This is, however, not as easy a task as it might sound. That is why chapters 4 and 5 of *Expectations* needed to be so long.

If you would like to see this approach applied to the text of the UCC, see my article, *Let the Buyer in Ordinary Course of Business Beware: Suggestions for Revising the Language of the Uniform Commercial Code*, 54 *University of Chicago Law Review* 1178 (1987). The misuse of the stress position, by the way, is the number one problem in all professional writing. It is suffered (I have observed) by at least 75% of all practicing lawyers.

If the day ever comes when I am elected Czar of Writing and can install my CCISSR approach as main control of communicative writing, I will make one additional requirement: Not only would everything to be considered most stress-worthy be printed in red, but all words occupying stress positions would be printed in blue. Given that, one could immediately see that perfect prose would be purple prose. When red words were printed in the blue positions, they would turn purple. In the best of prose, no red word would exist except in a blue position, and no blue position would be filled by anything other than red words. The result would be purple prose. So I urge you to make your students consciously aware as writers of that which they are already intuitively aware of as readers:

- What is going on here? Whatever the verb says is going on here.
- Whose story is it? Whoever shows up as the subject in the main clause.
- How does this sentence link backwards to the last sentence? By whatever piece of information from the last sentence is alluded to at the beginning of the new sentence.
- How does this sentence lean forward to the next one? (That is too complicated for a one-clause description.)
- What is most important in this sentence? That which resides in the stress position.

May all your students understand better how their readers will be likely to read their prose; and may all their prose be purple.