

C O N T E N T S

PREFACE	XIII
ACKNOWLEDGMENTS	XIX
CHAPTER I:	
WHY WRITE A DECISION?	1
CHAPTER II:	
WHO READS THE DECISION?	9
How to write to reach the audience: some basic rules	12
1. Use simple and coherent language	12
2. Avoid old-fashioned expressions and legalese	14
3. Avoid the over-use of the passive voice	18
4. Use a variety of short and long sentences and paragraphs	19
5. Use connectives	25
6. Explain sets of initials and acronyms	25
CHAPTER III:	
THE ORGANIZATION OF THE TEXT	27
1. The title of proceedings and the identification of the parties	32

2. The plan	37
3. A good beginning, or “the first paragraph says it all”	38
4. The narrative of the pertinent facts	45
5. Findings of credibility on the disputed facts	50
6. The analysis	51
7. The conclusion.	52

CHAPTER IV:

CONCISENESS	55
------------------------------	----

Some practical advice to shorten decisions	58
--	----

1. Avoid reproducing the pleadings, the factums (if any) and extracts from the testimony of witnesses	58
2. Have the courage to select only the essential facts and to discuss solely the real issues	65
3. Reduce citations and shorten the quotations	66
4. Do not be prolix	73

CHAPTER V:

REVISION	77
---------------------------	----

CHAPTER VI:

THE ORAL JUDGMENT	87
------------------------------------	----

CHAPTER VII:

STYLE	95
A. Comparison of judgment writing styles in France, Britain and the United States	98
B. In Canada	100
C. Some examples of judicial styles	101

CHAPTER VIII:

HUMOUR: YES OR NO?	109
CONCLUSION	127
APPENDIX I	129
APPENDIX II	141
SELECTIVE BIBLIOGRAPHY	143
ALPHABETICAL INDEX	147