The Legal Writer
Drafting New York
Civil-Litigation Documents

Hon. Gerald Lebovits
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INTRODUCTION

The Legal Writer column first appeared in the July–August 2001 issue of the New York State Bar Association Journal. I had recently finished an edition of Advanced Judicial Opinion Writing, a handbook for New York judges and law clerks, when Howard Angione, then–editor-in-chief of the Journal, asked me to adapt portions of that book for a column on legal writing. The column, now in its 15th year of publication in the Journal, quickly expanded beyond adaptations from my opinion-writing handbook into original pieces designed for all lawyers and especially New York lawyers.

At first, each column focused on a single topic: formality vs. inflation, concision, affirmative writing, and plain English. The goal was to impart practical, real-world legal-writing suggestions that attorneys would find useful in every aspect of their professional lives. As I kept writing, topics seemed to need a deeper look. That resulted in a number of series covering (I hope) all the aspects of a single topic. This book comprises that kind of effort.

When I began writing the “Drafting New York Civil-Litigation Documents” series, I knew it would take up a number of column inches. I had no idea it would stretch over 46 issues of the Journal. Early in 2015, when we discussed the possibility of publishing a book of Legal Writer columns, we quickly agreed that “Drafting New York Civil-Litigation Documents” would need to be a separate book, once that series wrapped up at the end of 2015.

The point of the “Drafting New York Civil-Litigation Documents” series was to give practicing New York attorneys the tools they need to make their best case to the court — to increase their chances of winning. The point of this Drafting New York Civil-Litigation Documents book is to put every facet and issue of drafting discussed in the columns into a single location for easy reference. We plan on compiling other past (and future) columns to create other legal-writing books for attorneys.

I’d very much like to thank two people who worked on every column in this book: Joan Fucillo, the State Bar’s Publication Manager, and Alexandra Standish, my law clerk for more than 10 years. Extraordinary is the best, and only, way to describe their stellar advice, commitment, editing, and expertise. They’re both the co-authors of this book.
I would also like to thank Daniel McMahon, Director of Publications at the New York State Bar Association, and copy editors Alex Dickson, Reyna Eisenstark, Howard Healy, and Kate Mostaccio.

I dedicate this book to Irene Lebovits, my mother, who’s less an assiduous stickler for the legal rules about which I write and more an advocate for and practitioner of the greater values of family and love.

Hon. Gerald Lebovits
New York, New York
December 2015
BIOGRAPHIES

HON. GERALD LEOVITS

Hon. Gerald Lebovits has been a New York City judge since 2001. An acting Supreme Court justice in New York County, he previously served in Civil Court, Criminal Court, and Housing Court. He is the president of the Board of Judges of the New York City Civil Court. Before that, he was the president of the Association of Housing Court Judges.

Justice Lebovits has also taught law as an adjunct professor for 30 years—currently at Columbia, Fordham, NYU, and New York Law School and previously at St. John's University.

A prolific author, he has published several books and hundreds of articles, many of them for the New York State Bar Association.

Justice Lebovits thanks his court attorney, Alexandra Standish, for her assistance with the “Drafting New York Civil-Litigation Documents” series.

ALEXANDRA STANDISH, ESQ.

From 2005 until the present, Alexandra Standish has worked as a court attorney for Hon. Gerald Lebovits. She has worked with Justice Lebovits in the New York City Housing Part, as well as the New York City Criminal Court, Civil Court, and Supreme Court. She has drafted and researched opinions (more than 30 published decisions); researched, drafted, and edited articles including legal writing, landlord-tenant cases, and judicial ethics; managed the judge’s court calendar; and trained and supervised student interns. While working for Justice Lebovits, she was an Adjunct Professor of Law at New York Law School from 2006–2009. She taught legal writing and research to first-year students.

Ms. Standish graduated with a Juris Doctor degree from New York Law School in 2001, and earned her Bachelor of Arts degree in 1998 from Barnard College, Columbia University.