

# **The Legal Writer**

## The Last Word

**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 when Howard Angione, then–editor-in-chief of the *Journal*, asked me to write a column on legal writing. The column appeared in every issue of the *Journal*’s pages for 20 years. My goal was to give lawyers, especially New York lawyers, real-world suggestions that they would find helpful in their professional lives.

The State Bar has already published two books compiling my columns for easy reference: *The Legal Writer: Drafting New York Civil-Litigation Documents* (2015) and *The Legal Writer: Writing It Right* (2016). But I kept writing columns, through the July/August 2021 *Journal* issues. This third volume compiles the new columns and adds a few more that didn’t fit into the earlier books.

This book is titled *The Legal Writer: The Last Word*. It’s not the definitive, final word on the essential and vast subject of legal writing. It’s “The Last Word” because it contains my last words in this series, a big part of my life for 20 years.

As I wrote in my 2016 book’s introduction, this book isn’t meant to suggest that there’s only one way to write it right. Some will agree with my suggestions. Others won’t. I’ll be happy if my readers come away appreciating the value of legal writing—an importance to their clients and to the good administration of justice.

Many NYSBA staff members helped me with editing, production, CLEs, and other projects. I thank Katherine Suchocki, Kathryn Calista, Howard F. Angione, David C. Wilkes, Joan Fucillo, Dan Weiller, Daniel McMahon, Susan DeSantis, Brandon Vogel, Kate Mostaccio, Pamela Chrysler, Alyssa Colton, Naomi Pitts, Lori Herzing, Erin Corcoran, Christine Ekstrom, Reyna Eisenstark, Alexander Dickson, Howard Healy, Kimberly Francis, Simone Smith, Pat Wood, Patrick Boland, Tara Covert, Patricia Stockli, Christian Nolan, and Kirsten Downer. For their research and counsel on dozens of columns, I also thank Alexandra Standish, my (former) law clerk of many years, and my judicial interns.

I dedicate this book to my grandparents, aunt, and uncles who were murdered in the Holocaust in 1944, all but one in Auschwitz: grandparents Terez and Zoltan Lebovits, and Rose and Ludwig Mermelstein; aunt Katie Lebovits; and uncles Karol Lebovits, Dr. Arnold Mermelstein, Dr. Ernest Mermelstein, and Dr. Eugene Klein. May their memory be a blessing.

Hon. Gerald Lebovits  
New York, New York  
March 2023

## **BIOGRAPHY**

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 New York State Association of Acting Supreme Court Justices. Before that, he was the president of the Board of Judges of the New York City Civil Court and of the Association of Housing Court Judges.

Justice Lebovits has also taught law as an adjunct professor for 34 years—currently at Columbia, Fordham, and NYU, and previously at St. John's University and New York Law School.

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

# IN HONOR OF THE MAN BEHIND “THE LEGAL WRITER”

By T. Andrew Brown  
Past President, NYSBA (2020–2021)

Over the past 20 years and 150 issues of the *Journal*, Hon. Gerald Lebovits has educated us lifelong learners on the finer points of legal writing with practical, real world advice in his column, “The Legal Writer,” that concludes each issue of the *Journal*.

Through his wise and incisive writing, he has demonstrated how to draft winning arguments, tighten sentences, eliminate awkward language, remove redundancies, and strive for clarity. He has inspired our readers with styles as diverse as Supreme Court Justice Ruth Bader Ginsburg’s literary technique, Pulitzer-Prize winning author Toni Morrison’s poetic prose, horror writer Stephen King’s emphasis on storytelling and Supreme Court Justice Antonin Scalia’s straightforward approach.

His last column, on our treasured former Chief Judge Judith S. Kaye’s uncanny ability to write with such clarity and attention to detail, ranks among his very best columns, which is no small feat. He carefully examines her legal scholarship and advice on how to write for the intended audience.

“The Legal Writer” has been so popular that it has been turned into not one, but two NYSBA reference publications: *The Legal Writer: Writing It Right* and *The Legal Writer: Drafting New York Civil-Litigation Documents*. His large following extends beyond New York, as other bar associations frequently share the latest “Legal Writer” column on their social media pages.

But that’s not all.

Judge Lebovits has also written for the *Journal* on judicial wellness and other issues. He has contributed 20 articles to our section publications, including the New York Real Property Law Journal and the International Law Practicum. He was the lead co-author of 13 editions of the NYSBA publication *New York Residential Landlord-Tenant Law and Procedure*, as well as nine editions of the LEGALese pamphlet “Tenant Screening Reports and Tenant Blacklisting.”

He has been a speaker on hundreds of well-attended continuing legal education programs ranging from persuasive legal writing to landlord-tenant issues to professional ethics. Whenever he is asked to present, Judge Lebovits' answer is always yes. He once took his vacation week and presented CLE programs for NYSBA on legal writing across the state in Buffalo, Rochester, Syracuse, Westchester, Albany, Long Island and New York City.

Lebovits also has been an adjunct professor of law for 32 years, currently at Columbia, Fordham and NYU. The students at Fordham, New York Law School, and St. John's have each elected him Adjunct Law Professor of the Year. Some of his publications are required or recommended reading at many American law schools.

How he served as an adjunct professor at three law schools, was a judge, and wrote so prolifically is a question many readers had, but naturally Judge Lebovits made it look easy. He simply viewed it as his personal contributions to the bench and bar, which are nothing short of outstanding. The fact that he is as well known for his sense of humor and the ability to make everyone feel at ease underscores his accomplishments even more.

Judge Lebovits once said, "I'll be happy if my readers come away appreciating the importance of legal writing—an importance not merely to their clients but also to the honest and good administration of justice."

On behalf of NYSBA's 70,000 members and many happy readers, we have.

From "The Legal Writer" to your engaging CLE presentations to teaching so many law students and law clerks, you have taught us all and made us better lawyers. There is no more prolific writer in the State Bar's history and no member has contributed more to our continued legal education. This is truly the end of a remarkable era. I hope your free time is now spent with your beloved family and enjoying a long, well-deserved ride on your motorcycle.

Your legacy in the New York State Bar Association and the practice of law is assured. I thank you for your indelible contributions to the NYSBA *Journal* and the practice of law, your uncommon collegiality and your peerless dedication to the association. You are a pillar of the legal profession.

## LONGTIME READERS REFLECT ON JUDGE LEBOVITS AND “THE LEGAL WRITER”

*“The Legal Writer” has been one of our most loved and well-read columns of the Journal. A few longtime devoted readers shared how Judge Lebovits’ sage advice affected their work and made them better writers. Thank you, Judge Lebovits.*

According to the timeless U.S. poet Ezra Pound, “Good writers are those who keep language efficient. That is to say, keep it accurate, keep it clear.” I could think of no better quote to open this tribute to Judge Gerald Lebovits as he retires from writing his regular column “The Legal Writer” in the association’s flagship journal.

In fact, for many, many years, headings such as “Clarity,” “Wordiness,” “Professional Tone,” “Be Concise,” “Be Scrupulously Honest,” and “Write Simply” have appeared in his columns. Readers who have absorbed and internalized Judge Lebovits’ guidance on effective and efficient legal writing—whether from his own experience or in his more recent “Thoughts on Legal Writing from the Greatest of Them All” series—will be all the better for having done so, both in their personal and professional writing.

As the outgoing chair of NYSBA’s Committee on Communications and Publications (which oversees, among other things, the *Journal*), our work has been made easier by knowing that each issue would have Judge Lebovits’ informative and vital column as its concluding piece. I do not envy the task of the next chair, and that of the committee members and publications staff, in having to find a suitable replacement.

The Belgian-born U.S. literary critic Paul de Man once said, “The writer’s language is to some degree the product of his own action; he is both the historian and the agent of his own language.” Indeed, Judge Lebovits, through his column, has provided wonderful guidance to multitudes of attorneys concerning how to be effective and efficient legal writers while being the agents of their own language, professionalism and ideas. For that, we thank him, as we wish him all the best in the years to come.

Prof. Michael L. Fox  
Mount Saint Mary College  
Chair, Committee on Communications and Publications (2018-2021)

I was dismayed to learn that the *Journal* is publishing Justice Lebovits' last column on language. I have always turned to his column first each month, and despite my own rarified skills as a writer and editor, I never failed to learn something—and to smile.

The best teachers I've had, whether in law or other spheres of knowledge, have combined instruction with a dash of levity—and Justice Lebovits cooked up his monthly column with the same mixture of ingredients.

Whether drawing examples of powerful writing from the best jurists or the best science-fiction writers, Justice Lebovits never failed to teach, enlighten and entertain. I will miss his column. I hope its finale represents a merely temporary respite from the hard work of showing us lawyers how to write well.

Not bad for a French Canadian, Your Honor, not bad at all.

Roger A. Levy  
Brooklyn, NY  
Levy & Nau

Writers learn best from other writers. I've had the pleasure of learning from a few great ones, and Judge Gerald Lebovits has been one of my favorites. In his regular legal writing column, Judge Lebovits has imparted writing wisdom from some of New York's best legal writers, including Chief Judges Benjamin Cardozo and, most recently, Judith Kaye.

Throughout it all, Judge Lebovits' own writing advice shone through: remember your audience, write clear, short sentences, and revise, revise, revise. I try to remember his advice each time I sit down to write and have become a better writer for it.

Rob Rosborough  
Albany, NY  
Whiteman Osterman & Hanna

As lawyers we derive our power from words. And we often make our greatest difference using the written word. Thus, the most valuable skill a lawyer can acquire is mastery of the language and the art of writing. To that end, Judge Gerald Lebovits has been an inspiration and mentor to many.

Anyone can write a stream of consciousness piece that reads smoothly but offends those who value precision. Alternatively, one may write precise prose that is dense as molasses and even harder to digest. Clear, succinct prose, however, brings joy to the reader and clarity to the subject. It requires the writer to crystallize her thoughts and, therefore, does a better job of persuading the reader. Achieving it requires skill, knowledge and a good deal of effort.

Judge Lebovits in his column shared with us his love of clear writing, his knowledge of the rules controlling clever lawyering, and the recipe for combining the two into powerful advocacy. We all will continue to benefit from his work and guidance.

Chaim Steinberger  
New York, NY