

# At least do the easy stuff

In the two examples below, I have done very little rewriting. I simply used plain words and cut unnecessary words (including the egregiously unnecessary parentheticals). And in the second one, I replaced “petitioner” with the party’s business name. None of this will be news to readers of this column. And it all goes to show that bad habit accounts for much of what’s wrong with legal writing.

## ORIGINALS

Upon consideration of the application to proceed *in forma pauperis* and of the Petition for Writ of Mandamus of Petitioner Charles B. Sanders (hereinafter “Mr. Sanders”), the Court finds as follows:

Mr. Sanders, who is incarcerated at the James T. Vaughn Correctional Center, has filed a Petition for Writ of Mandamus, seeking an order from this Court that requires the Delaware Department of Justice (hereinafter “Defendant”) to provide him with evidence regarding two photographic lineups utilized prior to his trial and subsequent convictions in 1994 for robbery, kidnapping, and assault. Having considered the application to proceed *in forma pauperis*, the Court finds that the application should be granted. The Court will next review the complaint pursuant to 10 Del. C. § 8803(b).

Pursuant to 10 Del. C. § 8803(b), if a complaint concerning which the Court has granted an application to proceed *in forma pauperis* is deemed to be legally frivolous, factually frivolous, or malicious, the Court must dismiss it.

By order dated February 17, 2016 (hereinafter the suspension order), the New York State Liquor Authority (hereinafter the Authority), inter alia, suspended, for a period of 30 days, the license of the petitioner, Lindenwood Cut Rate Liquors, Ltd., to sell alcoholic beverages. Prior to the effective date of the suspension order, the petitioner commenced a proceeding pursuant to CPLR article 78 to review the Authority’s determination (hereinafter the prior proceeding) and obtained a temporary restraining order staying the suspension order pending the hearing and determination of that proceeding. The Authority answered the petition, but the petitioner thereafter failed to appear before the Supreme Court on the scheduled hearing date, as a result of which the matter was marked off the calendar. A subsequent motion by the petitioner to restore the matter to the calendar was denied by order dated July 26, 2016, for failure to submit an affidavit of merit, and the prior proceeding was dismissed.

## REDLINES

~~Upon consideration of the application to proceed *in forma pauperis* and of the Petition for Writ of Mandamus of Petitioner Charles B. Sanders (hereinafter “Mr. Sanders”), the Court finds as follows:~~  
<sup>asks to proceed *in forma pauperis*.</sup>

~~Mr. Sanders, who is incarcerated at the James T. Vaughn Correctional Center, has filed a Petition for Writ of Mandamus, seeking an order from this Court that requires the Delaware Department of Justice (hereinafter “Defendant”) to provide him with evidence regarding two photographic lineups utilized prior to his trial and subsequent convictions in 1994 for robbery, kidnapping, and assault. Having considered the application to proceed *in forma pauperis*, the Court finds that the application should be granted. The Court will next review the complaint pursuant to 10 Del. C. § 8803(b).~~  
<sup>He</sup> <sup>about</sup> <sup>used before</sup> <sup>1994</sup> <sup>regarding</sup> <sup>it</sup> <sup>after granting</sup>

~~Pursuant to 10 Del. C. § 8803(b), if a complaint concerning which the Court has granted an application to proceed *in forma pauperis* is deemed to be legally frivolous, factually frivolous, or malicious, the Court must dismiss it.~~  
<sup>Under</sup> <sup>the Court finds a complaint</sup>

~~By order dated February 17, 2016 (hereinafter the suspension order), the New York State Liquor Authority (hereinafter the Authority), inter alia, suspended, for a period of 30 days, the license of the petitioner, Lindenwood Cut Rate Liquors, Ltd., to sell alcoholic beverages. Prior to the effective date of the suspension order, the petitioner commenced a proceeding pursuant to CPLR article 78 to review the Authority’s determination (hereinafter the prior proceeding) and obtained a temporary restraining order staying the suspension order pending the hearing and determination of that proceeding. The Authority answered the petition, but the petitioner thereafter failed to appear before the Supreme Court on the scheduled hearing date, as a result of which the matter was marked off the calendar. A subsequent motion by the petitioner to restore the matter to the calendar was denied by order dated July 26, 2016, for failure to submit an affidavit of merit, and the prior proceeding was dismissed.~~  
<sup>Lindenwood brought</sup> <sup>Before</sup> <sup>under</sup> <sup>that stayed</sup> <sup>Lindenwood</sup> <sup>so</sup> <sup>Lindenwood’s later</sup> <sup>to review the suspension</sup>



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