

Legal writing and written advocacy

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Legal writing and written advocacy

Writing refresher

Legal writing and written advocacy

Part I – The basics

Legal writing and written advocacy



Writing refresher

What is the golden rule of writing?

Writing refresher

The golden rule:

- **It is always about your audience; it is not about you**

Legal writing and written advocacy



Writing refresher

I have offered a general principle of organization and three “rules” of writing.

What’s the general principle?

Writing refresher

General principle of organization:

- **Point first / context before detail:
your readers should always know
where you are going and why you
are telling them something**

Legal writing and written advocacy



Writing refresher

What are the three “rules”?

Writing refresher

The three “rules”:

- 1. Eliminate wimpy words**
- 2. Use one plain, good word if you can**
- 3. Concentrate on connections**

Concentrate on connections

Build sentences with easily-discerned meaning. Then connect them.

- **Glue sentences together. The 4x100 relay.**
- **Keep subjects and verbs right together. This creates a “strong sentence core.”**
- **Divide information into bite-sized, connected chunks and then arrange the chunks logically. Don’t challenge your audience.**

The way forward

[illegible]

Writing Tips

Part II – Advanced writing techniques

Advanced techniques

**Ways to achieve emphasis
and glue ideas to the reader's brain
without the reader really knowing it
and without using
CAPS, Bold, underline, or *italics*.**

Advanced techniques

The start and end of a sentence is prime real estate.

The same is true for the start and end of paragraphs.

“Never in the field of human conflict was so much owed by so many to so few.”

Advanced techniques

**The start and end of a sentence is
prime real estate**

**“The police obtained information that many
hundreds of members, friends and
associates of a known outlaw motorcycle
gang, the Paradise Riders, were to gather on
four weekends on a small property in the
middle of the quiet rural hamlet of Caesarea,
population 700.”**

Advanced techniques

The start and end of a sentence is prime real estate

“Finally, a few words about the reasons for judgment in vexatious litigant applications. In matters such as this, sometimes reasons for judgment describe litigants, their conduct, and their attitudes in lurid ways that might amuse the more sophomoric among us. Happily, I have never seen that approach taken in the Federal Courts. There, the reasons have been restrained and appropriate, clinical in tone and minimalist in approach. This is as it should be. Courts should treat all litigants—even vexatious ones—with dignity and respect. To the court, the litigant may deserve to be declared a vexatious litigant. But to others, the litigant may be an employee or volunteer, a friend or acquaintance, an aunt or uncle, a parent or child—and a good one too. No one deserves to be tarred and feathered and paraded through the town square, least of all by courts.”

Advanced techniques

This plays to a characteristic of the human mind: we pay most attention to the beginning and the end of any piece of communication.

Beginning: for orientation

End: we think there might be a climax

This is one reason why a sentence should start with old information and then progress to new.

Advanced techniques

Skilful use of detail can persuade

Advanced techniques

Skilful use of detail can persuade

“The police obtained information that many bikers were to gather a number of times on a property in an Ontario town.”

Advanced techniques

Skilful use of detail can persuade

“The police obtained information that many hundreds of members, friends and associates of a known outlaw motorcycle gang, the Paradise Riders, were to gather on four weekends on a small property in the middle of the quiet rural hamlet of Caesarea, population 700.”

Advanced techniques

Skilful use of detail can persuade

“The police obtained information that many hundreds of members, friends and associates of a known outlaw motorcycle gang, the Paradise Riders, were to gather on four weekends on a small property in the middle of the quiet rural hamlet of Caesarea, population 700.”

Advanced techniques

Punctuation

Advanced techniques

The em dash—a comma with attitude

“The appellants fail to address how this Court should balance the important needs of public safety, public order, peacekeeping and highway safety on the one hand with the vital constitutional rights of individuals on the other hand, perhaps because they don’t acknowledge the existence of the former.”

Advanced techniques

The em dash—a comma with attitude

“The appellants fail to address how this Court should balance the important needs of public safety, public order, peacekeeping and highway safety on the one hand with the vital constitutional rights of individuals on the other hand—perhaps because they don’t acknowledge the existence of the former.”

Advanced techniques

The em dash—a comma with attitude

“Lastly, when conducting reasonableness review of an administrator’s legislative interpretation, we must acknowledge that sometimes administrators pursuing their legislative mandates can be better placed than us to appreciate the purpose behind a legislative provision in all its nuances and ramifications—an appreciation they have acquired through dint of daily, in-the-field work or genuine expertise: *National Corn Growers Assn. v. Canada (Import Tribunal)*, [1990] 2 S.C.R. 1324 at p. 1336. Where that appreciation is relevant and is explained or evident, the case for leaving an administrative interpretation in place may gather some force.”

Hillier v. Canada (Attorney General), 2019 FCA 44 at para. 17

Advanced techniques

The em dash—a comma with attitude

“Finally, a few words about the reasons for judgment in vexatious litigant applications. In matters such as this, sometimes reasons for judgment describe litigants, their conduct, and their attitudes in lurid ways that might amuse the more sophomoric among us. Happily, I have never seen that approach taken in the Federal Courts. There, the reasons have been restrained and appropriate, clinical in tone and minimalist in approach. This is as it should be. Courts should treat all litigants—even vexatious ones—with dignity and respect. To the court, the litigant may deserve to be declared a vexatious litigant. But to others, the litigant may be an employee or volunteer, a friend or acquaintance, an aunt or uncle, a parent or child—and a good one too. No one deserves to be tarred and feathered and paraded through the town square, least of all by courts.”

Advanced techniques

Judges are only lawyers who happen to hold a judicial commission. Just like the people they serve, judges are unelected and are bound by legislation. What, then, is the right of judges to avert their eyes from the authentic meaning of legislation enacted by the elected and, instead, to choose a meaning that accords with their own particular views of sensibility, practicality and common sense?

This sort of thing, akin to relying upon “what [they] think is best for Canadian society” and choosing “what [they] want the legislation to mean,” has nothing to do with the judges’ real task, which is to discern “what the legislation authentically means”: *Williams* at para. 48. Today, there is only one accepted way to do this: to cast aside any personal views and predispositions and, instead, to examine the text, context and purpose of the legislation dispassionately and objectively. Doing this might lead to a result that some might call sensible and practical and in accordance with common sense. But if that happens, it is because that is the authentic meaning of the legislation—not because some judge has made it so.

Canada v. Cheema, 2018 FCA 45 at paras. 79-80

Advanced techniques

The colon

“Parliament’s purpose is plain: a project is not to be hamstrung by multiple, unnecessary, long forays through the judicial system”

*(Raincoast Conservation Foundation v. Canada
(Attorney General), 2019 FCA 224 at para. 12)*

Advanced techniques

The colon

“As community property, courts allow unrestricted access by default: anyone with standing can start a proceeding. But those who misuse unrestricted access in a damaging way must be restrained.”

“Section 40 is also aimed at ungovernable litigants: those who flout procedural rules, ignore orders and directions of the Court, and relitigate previously-decided proceedings and motions.”

Canada v. Olumide, 2017 FCA 42 at paras. 18, 22

Advanced techniques

The colon

“In this case I have a deeper concern: I cannot conclude that the Minister has grappled with this matter and done her job.

.....

“The Minister should do the job Parliament assigned to her and her alone: to look at the relevant provisions, interpret them, and decide upon their meaning with an explanation that permits meaningful review.”

***Bonnybrook Park Industrial Development Co. Ltd. v. Canada (National Revenue)*, 2018 FCA 136 at paras. 89 and 94**

Advanced techniques

Use lists (tabulations)

Advanced techniques

Use lists (tabulations)

You are eligible for a bonus at the end of a calendar year if your sales are over \$2,000,000, you are still an employee on December 31 of that year, your performance review is satisfactory and you have been with the company more than 10 years.

Use lists (tabulations)

You are eligible for a bonus at the end of a calendar year if:

- (a) your sales are over \$2,000,000;**
- (b) you are still an employee on December 31 of that year;**
- (c) your performance review is satisfactory; and**
- (d) you have been with the company more than 10 years.**

Lists and point first combined

“[T]he facts as found...do not implicate any of the three main elements of Canada’s war crimes policy:

- (a) *Direct involvement or complicity.* The Federal Court did not find that Mr. Odynsky and Mr. Katriuk were directly involved or directly complicit in war crimes or crimes against humanity.**

- (b) *Awareness or contribution.* The Federal Court did not find that Mr. Odynsky and Mr. Katriuk were aware of the commission of war crimes or crimes against humanity, nor did it find that they contributed directly or indirectly to their occurrence.**

.....

Advanced techniques

Artful modifiers

Resumptive modifiers:

“The Supreme Court has decided 970 Charter cases, cases that have enhanced our understanding of human rights.”

Advanced techniques

Artful modifiers

Summative modifiers:

“The Supreme Court has decided 970 Charter cases, a mountain of law that no one could have foreseen.”

Advanced techniques

Artful modifiers

“The Supreme Court has decided 970 Charter cases, a mountain of law that no one could have foreseen.”

“No one could have foreseen that the Supreme Court would decide 970 cases by now.”

Advanced techniques

**Vary the sentence
(and paragraph) length**

Advanced techniques

Varying sentence lengths

Here is a six word sentence. I can write six more words. On occasion six words is enough. Sometimes it is not nearly enough. Repeat the six and bore people. Can you see the ugly monotony? Do it enough and it's annoying. This will drive people quite crazy. Please make this horrible repetition stop.

Advanced techniques

Varying sentence lengths

Now if you break out of that, you can start to write longer sentences and work in some rhythm. And rhythms can really keep the reader attentive, focused on your idea. But if you repeat sentences of similar length, you get the same problem. You get the same sort of problem if you repeat sentence structures. Repetition of length or structures can deaden everyone's attention.

Advanced techniques

Varying sentence lengths

Now mix it up. If you do that, something magical happens. You might start with a medium sentence. Then short. And then a sentence of considerable length, one that moves from phrase to phrase, gathering strength, crackling with energy, reaching a crescendo, leaving the reader alert and satisfied.

Advanced techniques

Another way of keeping the reader alive and engaged: the rhetorical question

“How do we go about this? As the authorities suggest, we are to investigate the text, context and purpose of the legislation as objectively and fairly as we can. On this, especially when investigating the purpose...”

Williams v. Canada (Public Safety and Emergency Preparedness),
2017 FCA 252 at para. 51)

Advanced techniques

The rhetorical question

“[9] The Appeal Division decided not to consider some of the grounds raised in Ms. Hillier’s application for leave to appeal to the Appeal Division. What was the purported authority for this decision?”

“[10] It was not some sort of inherent or plenary power. Administrative decision-makers, unlike courts, do not have such powers. Instead they have only the powers given to them expressly or impliedly by legislation...”

***Hillier v. Canada (Attorney General)*, 2019 FCA
44 at paras. 9-10**

Advanced techniques

The rhetorical question

Judges are only lawyers who happen to hold a judicial commission. Just like the people they serve, judges are unelected and are bound by legislation. What, then, is the right of judges to avert their eyes from the authentic meaning of legislation enacted by the elected and, instead, to choose a meaning that accords with their own particular views of sensibility, practicality and common sense?

This sort of thing, akin to relying upon “what [they] think is best for Canadian society” and choosing “what [they] want the legislation to mean,” has nothing to do with the judges’ real task, which is to discern “what the legislation authentically means”: *Williams* at para. 48. Today, there is only one accepted way to do this: to cast aside any personal views and predispositions and, instead, to examine the text, context and purpose of the legislation dispassionately and objectively. Doing this might lead to a result that some might call sensible and practical and in accordance with common sense. But if that happens, it is because that is the authentic meaning of the legislation—not because some judge has made it so.

Canada v. Cheema, 2018 FCA 45 at paras. 79-80

Advanced techniques

The rhetorical question

In this case I have a deeper concern: I cannot conclude that the Minister has grappled with this matter and done her job.

Should I do the Minister's job, interpret the subsections and write up the reasons the Minister should have written? No.

My job is judicial review of the Minister, not judicial impersonation of the Minister. I do not work for the Minister. I am not the Minister's adviser, thinker, or ghostwriter. I am an independent reviewer of what the Minister has done.

In conducting a review, I am entitled to interpret the reasons given by the Minister seen in light of the record before her. Through a legitimate process of interpretation, I can sometimes understand what the Minister meant when she was silent on certain things.

Advanced techniques

But faced with a silence whose meaning cannot be understood through legitimate interpretation, who am I to grab the Minister's pen and "supplement" her reasons? Why should I, as a neutral judge, be conscripted into the service of the Minister and discharge her responsibility to write reasons? Even if I am forced to serve the Minister in that way, who am I to guess what the Minister's reasoning was, fantasize about what might have entered the Minister's head or, worse, make my thoughts the Minister's thoughts? And why should I be forced to cooper up the Minister's position, one that, for all I know, might have been prompted by inadequate, faulty or non-existent information and analysis?

The Minister should do the job Parliament assigned to her and her alone: to look at the relevant provisions, interpret them, and decide upon their meaning with an explanation that permits meaningful review.

***Bonnybrook Park Industrial Development Co. Ltd. v. Canada (National Revenue)*, 2018 FCA 136 at paras. 89-94**

Advanced techniques

Another way of keeping the reader alive and engaged: alliteration

“Also wrong would be to permit personal policies or political preferences to play a part in our interpretation of the legislation: for example, to aim for a result we personally prefer, to fasten onto what we like and ignore what we don’t, or to draw upon what we think is best for Canadian society. Common to these practices is an analytical focus on what we want the legislation to mean rather than on what the legislation authentically means.”

***Williams v. Canada (Public Safety and Emergency Preparedness),*
2017 FCA 252 at para. 48)**

Advanced techniques

**Repetition of words
or ideas or structures
(if not overused)
can underscore a point**

Advanced techniques

**Repetition of words
or ideas or structures
(if not overused)
can underscore a point**

**“We must have government of the
people, by the people, for the people.”**

Advanced techniques

Repetition:

“We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender.”

Advanced techniques

Repetition:

“On occasion, innocent parties, some of whom have few resources, find themselves on the receiving end of unmeritorious proceedings brought by a vexatious litigant. They may be hurt most of all. True, the proceedings most likely will be struck on a motion, but probably only after the vexatious litigant brings multiple motions within the motion and even other motions too. In the meantime, the innocent party might be dragged before other courts in new proceedings, with even more motions, and motions within motions, and maybe even more”

Advanced techniques

Repetition:

“In defining “vexatious,” it is best not to be precise. Vexatiousness comes in all shapes and sizes. Sometimes it is the number of meritless proceedings and motions or the reassertion of proceedings and motions that have already been determined. Sometimes it is the litigant’s purpose, often revealed by the parties sued, the nature of the allegations against them and the language used. Sometimes it is the manner in which proceedings and motions are prosecuted, such as multiple, needless filings, prolix, incomprehensible or intemperate affidavits and submissions, and the harassment or victimization of opposing parties.”

Advanced techniques

Structures leading to climax, to emphasize a lengthy, careful process:

“The plaintiff carefully negotiated the draft contract, frequently amended the draft contract and finally signed the draft contract.”

Advanced techniques

“The plaintiff carefully negotiated the draft contract, frequently amended the draft contract and then, finally, signed it.”

“After many negotiations and changes, the plaintiff signed the contract.”

Advanced techniques

**Unexpected reversals of concepts,
abrupt transitions, ironic twists**

Advanced techniques

Examples:

“Do not ask what your country can do for you; ask what you can do for your country.”

Advanced techniques

Why this works: we notice and absorb sudden shifts of concept. Provided they are set up right, they hammer home ideas without jarring the reader.

Advanced techniques

Another example

- **Knowing how flooded Manhattan was, he led us there. We followed him, unaware of what we were about to see.**

Original version:

- **Knowing how flooded Manhattan was, he led us there. We followed him, unaware of what we were about to see.**

Reworked versions:

- **Off to the Manhattan floods we went. Knowingly, he led; blindly, we followed.**
(thrusting the contrast together, with parallelism)
- **Off to the Manhattan floods we went. Knowingly, he led; we followed, blindly.**
(chiasmatic structure)
- **Off to the Manhattan floods we went. He led knowingly. We followed blindly.**

Another example:

“[40] The launching of a proposed class action is a matter of great seriousness, potentially affecting many class members’ rights and the liabilities and interests of defendants. Complying with the Rules is *important*.”

“[40] The launching of a proposed class action is a matter of great seriousness, potentially affecting many class members’ rights and the liabilities and interests of defendants. Complying with the Rules is not trifling or optional; mandatory and essential it truly is.”

***(Merchant v. Minister of National Revenue,
2010 FCA 184)***

Advanced techniques

Triplets

“Also wrong would be to permit personal policies or political preferences to play a part in our interpretation of the legislation: for example, to aim for a result we personally prefer, to fasten onto what we like and ignore what we don’t, or to draw upon what we think is best for Canadian society. Common to these practices is an analytical focus on what we want the legislation to mean rather than on what the legislation authentically means.”

Williams v. Canada (Public Safety and Emergency Preparedness),
2017 FCA 252 at para. 48)

Advanced techniques

Triplets

“The applicants do acknowledge that the Government of Canada introduced some new initiatives to assist consultations and added some conditions on the project approval that was ultimately given. But to them this is just window-dressing, box-ticking and nice-sounding words, not the hard work of taking on board their concerns, exploring possible solutions, and collaborating to get to a better place.”

*(Raincoast Conservation Foundation v.
Canada (Attorney General), 2019 FCA
224 at para. 58)*

Advanced techniques

Triplets

“This is not to say that administrative efficiency, adjudicative economy and conservation of resources have no role in this administrative regime. Far from it. When leave to appeal is granted, the Appeal Division need not hold an oral hearing in every case...”

***Hillier v. Canada (Attorney General)*, 2019 FCA 44 at para. 29**

Advanced techniques

Triplets

“ This isn’t just a zero-sum game where a single vexatious litigant injures a single innocent litigant. A single vexatious litigant gobbles up scarce judicial and registry resources, injuring tens or more innocent litigants. The injury shows itself in many ways: to name a few, a reduced ability on the part of the registry to assist well-intentioned but needy self-represented litigants, a reduced ability of the court to manage proceedings needing management, and delays for all litigants in getting hearings, directions, orders, judgments and reasons.”

Canada v. Olumide, 2017 FCA 42 at para. 20

Advanced techniques

Triplets

My job is judicial review of the Minister, not judicial impersonation of the Minister. I do not work for the Minister. I am not the Minister's adviser, thinker, or ghostwriter. I am an independent reviewer of what the Minister has done.

But faced with a silence whose meaning cannot be understood through legitimate interpretation, who am I to grab the Minister's pen and "supplement" her reasons? Why should I, as a neutral judge, be conscripted into the service of the Minister and discharge her responsibility to write reasons? Even if I am forced to serve the Minister in that way, who am I to guess what the Minister's reasoning was, fantasize about what might have entered the Minister's head or, worse, make my thoughts the Minister's thoughts? And why should I be forced to cooper up the Minister's position, one that, for all I know, might have been prompted by inadequate, faulty or non-existent information and analysis?

The Minister should do the job Parliament assigned to her and her alone: to look at the relevant provisions, interpret them, and decide upon their meaning with an explanation that permits meaningful review.

***Bonnybrook Park Industrial Development Co. Ltd. v. Canada
(National Revenue), 2018 FCA 136 at paras. 89-94***

Advanced techniques

Metaphors and analogies

- **Careful! Badly chosen metaphors and analogies can be jarring. Also overuse of rhetorical questions, metaphors and analogies can backfire.**
- **Compare to things that are well-known or tangible**
- **Sometimes you can create a picture that causes the reader inexorably to draw the analogy. (The idea of having readers construct their own conclusions.)**

Advanced techniques

Metaphors

“The applicants do acknowledge that the Government of Canada introduced some new initiatives to assist consultations and added some conditions on the project approval that was ultimately given. But to them this is just window-dressing, box-ticking and nice-sounding words, not the hard work of taking on board their concerns, exploring possible solutions, and collaborating to get to a better place.”

*(Raincoast Conservation Foundation v.
Canada (Attorney General), 2019 FCA
224 at para. 58)*

Advanced techniques

Metaphors and analogies

“The respondent concedes that the investigation report was properly before the Commissioner. The report is key. It describes an unresolved conflict over what happened during the incident, pitting the respondent’s word against the word of the two women. This creates a cloud of uncertainty over the respondent. Normally over time, with years of good performance, such a cloud might dissipate. But in light of the Deputy Commissioner’s meeting with the respondent and the Deputy Commissioner’s lack of satisfaction with the respondent’s answers, it is probably fair to say that the cloud remained in place and perhaps even thickened: Appeal Book, page 202.”

“When the Commissioner wrote his “without prejudice” letter, he had this cloud before him and was well-aware of it: Appeal Book, pages 202 and 205. But he also had before him information about the respondent’s overall performance throughout his career. The Commissioner had to weigh these things and decide whether he should accept the respondent’s request that he be promoted. He decided to reject it.”

(Canada (Attorney General) v. Boogaard, 2015 FCA 150 at paras. 56-57.)

Advanced techniques

Metaphors and analogies

“A claim for monetary relief in public law is novel. In assessing whether a novel claim can survive a motion to strike, we must remember that the common law is in a continual state of responsible, incremental evolution: *R. v. Salituro*, [1991] 3 S.C.R. 654 at pages 665-70, 131 N.R. 161. While our Constitution is a “living tree capable of growth and expansion within its natural limits” (see *Edwards v. Canada (Attorney General)*, [1929] UKPC 86, [1930] A.C. 124), the common law – and particularly public law – is not a petrified forest. A novel claim should not be struck just because it is novel.”

(*Paradis Honey Ltd. v. Canada*, 2015 FCA 89 at para. 116.)

Advanced techniques

Metaphors and analogies

“Palpable and overriding error is a highly deferential standard of review: *H.L. v. Canada (Attorney General)*, 2005 SCC 25, [2005] 1 S.C.R. 401; *Peart v. Peel Regional Police Services* (2006), 217 O.A.C. 269 (C.A.) at paragraphs 158-59; *Waxman, supra*. “Palpable” means an error that is obvious. “Overriding” means an error that goes to the very core of the outcome of the case. When arguing palpable and overriding error, it is not enough to pull at leaves and branches and leave the tree standing. The entire tree must fall.”

(*Canada v. South Yukon Forest Corporation*, 2012 FCA 165 at para. 46.)

Advanced techniques

Metaphors and analogies

“Today, despite the best efforts of the Supreme Court and other courts, the doctrine governing the liability of public authorities remains chaotic and uncertain, with no end in sight. How come?”

“At the root of the existing approach is something that makes no sense. In cases involving public authorities, we have been using an analytical framework built for private parties, not public authorities. We have been using private law tools to solve public law problems. So to speak, we have been using a screwdriver to turn a bolt.”

(Paradis Honey Ltd. v. Canada, 2015 FCA 89 at paras. 119-21, 126-27.)

Advanced techniques

Metaphors and analogies

“Thus, the leave requirement is not just a cursory checkpoint on the road to judicial review. It is more like a thorough customs inspection at the border.”

(Raincoast Conservation Foundation v. Canada (Attorney General), 2019 FCA 224 at para. 13)

Advanced techniques

The use of the quote snippet

“Adequate consultation consists of “reasonable efforts to inform and consult”, not all possible efforts: *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511 at para. 62. There must be “meaningful two-way dialogue” and “serious consideration” about both “the real and specific concerns” of Indigenous peoples and possible measures to accommodate those concerns: *Haida Nation* at para. 62; *R. v. Gladstone*, [1996] 2 S.C.R. 723, 137 D.L.R. (4th) 648 at para. 170; *R. v. Nikal*, , [1996] 1 S.C.R. 1013, 133 D.L.R. (4th) 658 at para. 110; *Tsleil-Waututh Nation* at paras. 562-563.”

(*Raincoast Conservation Foundation v. Canada (Attorney General)*, 2019 FCA 224 at para. 20)

Advanced connections

Working on the quality of the connection and pursuing strategic aims in connecting.

Advanced connections

“She was fired from her job. Needing money, she robbed the bank.”

- **Substantive concern re the connection: just because you are fired doesn't mean you need money. Maybe she had savings. Need more data to make the connection work. (Do you have the data?)**

Advanced connections

Maybe the evidence allows you to write this:

- “She was fired from her job. No longer receiving money and without savings, she robbed the bank.”

Can we improve the connections (underlined)?

Advanced connections

There are some techniques. Try to use as many as possible.

The game plan:

- **Think of the glue you can use**
- **Think of the things being glued together; the more related or similar, the better the connection**

Advanced connections

Think of the glue you can use

Types of glue:

- Using overt connectors: next, then, this, that, and, but, however, although, in addition...

“He bought the book. **But that** purchase left him with no money.”

- Temporal connection

“He bought the book in **March**. **In April**, he asked for a refund.”

Advanced connections

Think of the things being glued together; the more related or similar, the better the connection

- **Repetition of a word or idea by using same word, a proxy for the word or a concept intimately associated with the word:**

“He bought the book. A good book, it soon sold out.” (repetition)

“He bought the book. It was leather-bound.”

(use of a proxy, here the pronoun “it”)

“He bought the book. Now his wallet was empty.” (related concept – buying leads to no cash in wallet)

Advanced connections

Think of the things being glued together; the more related or similar, the better the connection. Back to our old example:

“She was fired from her job. No longer receiving money and without savings, she robbed the bank.”

Advanced connections

“She was fired from her job. No longer receiving money and without savings, she robbed the bank.”

1. Improve proximity

(Place the words being connected closer together, getting rid of words in between, if you can)

“She was fired. No longer receiving money and without savings, she robbed the bank.”

Advanced connections

“She was fired. No longer receiving money and without savings, she robbed the bank.”

2. Make the link more precise

(People no longer receive money for many reasons, not just firings.
Choose a concept closer to the concept of firing.)

Advanced connections

“She was fired. No longer receiving money and without savings, she robbed the bank.”

2. Make the link more precise

(People no longer receive money for many reasons, not just firings.

Choose a concept closer to the concept of firing from a job.)

“She was fired. Deprived of pay and without savings, she robbed the bank.”

Advanced connections

“She was fired. Deprived of pay and without savings, she robbed the bank.”

3. Condense the items being linked.

(Is there a strong noun or a strong verb that has a clear meaning?)

<clear meaning> + <clear meaning> = <strong connection>

“She was fired. Jobless and penniless, she robbed the bank.”

(You want the pathway of reasoning in the sentences to be crisp)

<fired> → <jobless and penniless> → <rob the bank>

(Bonus: note the parallel words “jobless” and “penniless” within the second sentence. Even more connection achieved)

Advanced connections

Comparison:

Old: “She was fired from her job. She robbed the bank because she had no money.”

Revised: “She was fired. Jobless and penniless, she robbed the bank.”

Advanced connections

- **Example: “John Smith wrote the book. The novel was a best seller.”**

(Hints:

Can you think of adding glue? Are there any opportunities for making the items being glued more proximate, more precise, or condensed?)

Advanced connections

- **“John Smith wrote the book. His book was a best seller.”**
- **Also good: “John Smith wrote the book. It was a best seller.”**
(repetitions of words, or the use of proxies for them can create powerful connections)
- **Best: “John Smith wrote the book, a best seller.”** (compression enhances connection)

Advanced connections

Taking it one step further: strengthening the connection to achieve a strategic end.

- **“John Smith wrote the book. To his surprise, it was a best seller.”**
- **Another: “John Smith wrote the book. A labour of love, it was a best seller.”**

(The concept being connected gets emphasized in the reader's mind: the reader discovers the concept and grasps it. In the first example, the concept is John and his surprise; in the second, it's his devotion to his writing.)

Advanced connections

Exercise:

“The Supreme Court has released over 1,000 cases on the Charter. Those authorities have greatly changed Canadian law.”

(Hints:

Can you think of adding glue? Are there any opportunities for making the items being glued more proximate, more precise, or condensed? Want to pursue any strategic ends?)

Advanced connections

“The Supreme Court has released over 1,000 cases on the Charter. Those authorities have greatly changed Canadian law.”

- **Better: “The Supreme Court has released over 1,000 Charter cases. They have greatly changed Canadian law.”**
- **Another option: “The Supreme Court has released over 1,000 Charter cases, transforming Canadian law.”**
- **Another option: “The Supreme Court has released over 1,000 Charter cases, a deluge of law.”**
- **Another option: “The Supreme Court has released over 1,000 Charter cases, wreaking havoc in our law.”**

Illustrations of multiple advanced techniques

Triplets; parallel structures; metaphors.

“The applicants do acknowledge that the Government of Canada introduced some new initiatives to assist consultations and added some conditions on the project approval that was ultimately given. But to them this is just window-dressing, box-ticking and nice-sounding words, not the hard work of taking on board their concerns, exploring possible solutions, and collaborating to get to a better place.”

(Raincoast Conservation Foundation v. Canada (Attorney General), 2019 FCA 224 at para. 58)

Illustrations of multiple advanced techniques

**Colon; parallel structures; strong verbs;
reversal in concepts.**

“Absent a successful argument that legislation is inconsistent with the Constitution, judges—like everyone else—are bound by the legislation. They must take it as it is. They must not insert into it the meaning they want. They must discern and apply its authentic meaning, nothing else.”

***Williams v. Canada (Public Safety and Emergency Preparedness),*
2017 FCA 252 at para. 50)**

Illustrations of multiple advanced techniques

Dash; parallel structures; repetition for emphasis.

“Sometimes, in law, the Court must give decision-makers a margin of appreciation, leeway or deference when reviewing their decisions. These can drastically affect what is “fairly arguable”: they can take an argument that is tenable in theory and make it hopeless in reality.”

***(Raincoast Conservation Foundation v. Canada (Attorney General),
2019 FCA 224 at para. 16)***

Illustrations of multiple advanced techniques

Rules of writing and advanced techniques mixed

“When courts consider a novel claim, they must keep in mind a line. On one side of the line is a claim founded upon a responsible, incremental extension of legal doctrine achieved through accepted pathways of legal reasoning. On the other is a claim divorced from doctrine, spun from settled preconceptions, ideological visions or freestanding opinions about what is just, appropriate and right. The former is the stuff of legal contestation and the courts; the latter is the stuff of public debate and the politicians we elect.”

(Paradis Honey Ltd. v. Canada, 2015 FCA 89 at para. 117.)

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

“When **courts** consider a novel claim, **they** must keep in mind a line. On one side of the line is a claim founded upon a responsible, incremental extension of legal doctrine achieved through accepted pathways of legal reasoning. On the other is a claim divorced from doctrine, spun from settled preconceptions, ideological visions or freestanding opinions about what is just, appropriate and right. The former is the stuff of legal contestation and the courts; the latter is the stuff of public debate and the politicians we elect.”

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CONNECTION THROUGH REPETITION

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

“When courts consider a novel claim, they must keep in mind a **line**. On one side of the **line** is a claim founded upon a responsible, incremental extension of legal doctrine achieved through accepted pathways of legal reasoning. On the other is a claim divorced from doctrine, spun from settled preconceptions, ideological visions or freestanding opinions about what is just, appropriate and right. The former is the stuff of legal contestation and the courts; the latter is the stuff of public debate and the politicians we elect.”

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CONNECTION THROUGH REPETITION

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

“When courts consider a novel **claim**, they must keep in mind a line. On one side of the line is a **claim** founded upon a responsible, incremental extension of legal doctrine achieved through accepted pathways of legal reasoning. On the other is a **claim** divorced from doctrine, spun from settled preconceptions, ideological visions or freestanding opinions about what is just, appropriate and right. The former is the stuff of legal contestation and the courts; the latter is the stuff of public debate and the politicians we elect.”

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CONNECTION THROUGH REPETITION

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

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**CONNECTION THROUGH REPETITION / PARALLELISM;
CONFLICTING IDEAS**

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

“When courts consider a novel claim, they must keep in mind a line. On one side of the line is a claim **founded upon a responsible, incremental extension of legal doctrine** achieved through accepted pathways of legal reasoning. On the other is a claim **divorced from doctrine**, spun from settled preconceptions, ideological visions or freestanding opinions about what is just, appropriate and right. The former is the stuff of legal contestation and the courts; the latter is the stuff of public debate and the politicians we elect.”

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**CONNECTION THROUGH REPETITION / PARALLELISM;
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Illustrations of multiple, advanced techniques

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**CONNECTION THROUGH REPETITION / PARALLELISM;
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Illustrations of multiple, advanced techniques

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CONNECTION THROUGH PARALLELISM: A DOUBLE TRIPLET

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

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**CONNECTION THROUGH PARALLELISM;
CONFLICTING IDEAS**

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

“When courts consider a novel claim, they must keep in mind a line. On one side of the line is a claim founded upon a responsible, incremental extension of legal doctrine achieved through accepted pathways of legal reasoning. On the other is a claim divorced from doctrine, spun from settled preconceptions, ideological visions or freestanding opinions about what is just, appropriate and right. The former is **the stuff of legal contestation and the courts; the latter is **the stuff** of public debate and the politicians we elect.”**

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CONNECTION THROUGH REPETITION

Illustrations of multiple, advanced techniques

Rules of writing and advanced techniques mixed

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**CONNECTION THROUGH REPETITION / PARALLELISM;
CONFLICTING IDEAS**

Illustrations of multiple, advanced techniques

L’etat, c’est moi” and “trust us, we got it right” have no place in our democracy. In our system of governance, all holders of public power, even the most powerful of them—the Governor-General, the Prime Minister, Ministers, the Cabinet, Chief Justices and puisne judges, Deputy Ministers, and so on—must obey the law: [citation omitted]. From this, just as night follows day, two corollaries must follow. First, there must be an umpire who can meaningfully assess whether the law has been obeyed and grant appropriate relief. Second, both the umpire and the assessment must be fully independent from the body being reviewed. [citation omitted]

Tyranny, despotism and abuse can come in many forms, sizes, and motivations: major and minor, large and small, sometimes clothed in good intentions, sometimes not. Over centuries of experience, we have learned that all are nevertheless the same: all are pernicious. Thus, we insist that all who exercise public power—no matter how lofty, no matter how important—must be subject to meaningful and fully independent review and accountability.

(Canada (Citizenship and Immigration) v. Tennant, 2018 FCA 13 at para. 23.)

Illustrations of multiple, advanced techniques

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CULTURAL RESONANCE; POPULAR IMAGE

Illustrations of multiple, advanced techniques

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POP AT END OF SENTENCE

Illustrations of multiple, advanced techniques

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CONNECTION THROUGH REPETITION; COULD BE STRONGER WITH MORE REPETITION?

Illustrations of multiple, advanced techniques

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FRAMING DASH; MODIFIER OF “EVEN THE MOST POWERFUL”

Illustrations of multiple, advanced techniques

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Illustrations of multiple, advanced techniques

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STRONG CONNECTION; PARALLELISM

Illustrations of multiple, advanced techniques

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CONNECTION THROUGH REPETITION

Illustrations of multiple, advanced techniques

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CONNECTION THROUGH REPETITION

Illustrations of multiple, advanced techniques

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TRIPLER (CULTURAL RESONANCE); PARALLELISM

Illustrations of multiple, advanced techniques

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HIGH PARALLELISM; CADENCE (BEAT)

Illustrations of multiple, advanced techniques

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TOPIC SENTENCE; PRIMAE REAL ESTATE

Illustrations of multiple, advanced techniques

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CONNECTION: HISTORY; CULTURAL RESONANCE

Illustrations of multiple, advanced techniques

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PARALLELISM; PUNCTUATION (“Nevertheless” should have gone elsewhere!)

Illustrations of multiple, advanced techniques

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POP AT END OF SENTENCE; CAREFUL WORD CHOICE

Illustrations of multiple, advanced techniques

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CONNECTIONS; SIGNALLING THE GRAND CONCLUSION

Illustrations of multiple, advanced techniques

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STRONG VERB

Illustrations of multiple, advanced techniques

“L’etat, c’est moi” and “trust us, we got it right” have no place in our democracy. In our system of governance, **all holders of public power, even the most powerful of them—the Governor-General, the Prime Minister, Ministers, the Cabinet, Chief Justices and puisne judges, Deputy Ministers, and so on**—must obey the law: [citation omitted]. From this, just as night follows day, two corollaries must follow. First, there must be an umpire who can meaningfully assess whether the law has been obeyed and grant appropriate relief. Second, both the umpire and the assessment must be fully independent from the body being reviewed. [citation omitted]

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CONNECTION

Illustrations of multiple, advanced techniques

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CONNECTION

Illustrations of multiple, advanced techniques

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FRAMING DASH; PARALLELISM

Illustrations of multiple, advanced techniques

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A BIT OF PARALLELISM; THE MESSAGE, ON PRIME REAL ESTATE