The Pleading

By Mark Cooney

Once upon a docket dreary, as I pondered after hearings,
Over many a curious case then pending with the busy court,
While I read, attention sapping, suddenly there came a tapping,
As of someone gently rapping, rapping at my chambers door.
“‘Tis my clerk again,” I grumbled, “tapping on my chambers door—
Oh, yet another matter more.”

Pausing just a moment further, bracing for the fresh-faced fervor,
Up I turned my heavy head to bid my clerk in through the door.
In he stepped with youthful stride, brand-new filing at his side,
Still another motion coming briskly through my chambers door—
A docket full and motions more, another through my chambers door—
Coming through my chambers door.

And this motion raised debate, invoking mandates from Rule 8,
A rule demanding something simple, clarity of pen, no more,
A “short[,] plain statement of the claim,” demands the rule in firm refrain,

So there I took to read the Pleading that the plaintiff’s claim set forth,
My hopes on high the words would teach me, each one clearer than before,
Then the page read, “Heretofore.”

Startled by word so archaic, stark departure from prosaic,
“No doubt,” said I, “more prudent prose will sense and clarity restore.”
As optimist continued reading, wanting true and simple meaning,
Follow surely lucid language giving message pure and sure;
Would the drafter offer words imposing not a burden more?

Quoth the Pleading, “Heretofore.”

Then, I thought, the prose grew denser, lacking editorial censor;
Had the drafter failed to read the court rule setting out the score?
If Rule 8 one does inspect, the writing style “must be . . . direct”;
Why then, drafter, use a style that’s destined only to obscure?
Heedless drafter, may your next words shed this style bound to obscure.
Quoth the Pleading, “Heretofore.”

Then I sat while forced to guessing, barely seeing word expressing
Claim purported to be resting on the law’s secure support;
More I sat in hopes divining, thoughts awhirl, for meaning pining,
For the plaintiff’s meaning mining;  
  over it I sat and pored—
For the plaintiff’s meaning mining—  
  pond’rous style and more in store,
  Stilted prose and hardly more.

“Complaint!” said I, “thing of muddle!—
  English still, yet mind befuddle!
Respite—respite, rescue from your turgid,
  swollen, retread form,
Writing, yes, yet all-confounding, in these
  words the meaning drowning,
Bloated, excess verbiage hounding—
  tell me truly, I implore—
Is there—is there balm for eyes?—
  tell me—tell me, I implore!”
  Quoth the Pleading, “Heretofore.”

“Complaint!” said I, “thing of muddle!—
  English still, yet mind befuddle!
By the rule that binds us both, why the
  legalese that I abhor?
The law is clear in its decree, as under
  Rule 8 you will see

The statement of the claim must be both plain and simple in its form—
  Give me now your claim in style that federal law means to ensure.”
  Quoth the Pleading, “Heretofore.”

And the Pleading, unremitting, still was sitting
  On the desk beside the file residing near my chambers door;
And its words had all the seeming of a
  scriv'ner’s empty scheming,
Failing not to stifle meaning, threw its darkness on me more;
  My comprehension still in shadows
  what my mind could scarce endure—
Why this haughty “Heretofore”?

“Be your words our sign in parting,
  wretched fiend,” I barked, upstarting—
“Return your prose to eras gone;
  your style remit to days long yore!
Amend you will this murky mire, soon my order will require,
  Discard this toilsome legalese, and lift away this needless chore!
Take your vexing cloud of prose, and take your leave, be out my door;
  Haunt my chambers nevermore!”

[The author begs forgiveness for sullying the magnificent Mr. Poe’s coattails.]

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