FOOTNOTES

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1. See American Heritage Dictionary of the English Language 269 (New College ed. 1976) (communicate: "To express oneself in such a way that one is readily and clearly understood").


3. See Model Rules of Professional Conduct Rule 4.1 (1983), reprinted in 52 U.S.L.W. 4 (Statutes Aug. 16, 1983) [hereinafter Model Rules] ("(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.").


6. See Model Rules, supra note 3, Rule 1.4 comment.

7. See Code, supra note 4, EC 7-7.

8. Id.


at 734; see also Greene, 56 N.Y.2d at 49, 436 N.E.2d at ___, 451 N.Y.S.2d at 92.

13. See, e.g., In re Baehr, 242 Kan. at ___, 744 P.2d at 799 (failure to advise client regarding terms of proposed settlement and misrepresentation of facts to opposing counsel); State Bar of Nevada v. Schreiber, 98 Nev. 464, ___, 653 P.2d 151, 151 (1982) (failure to explain to clients the nature of services to be rendered and fees to be charged; failure to communicate with and advise clients regarding status of their cases); McMorris v. State Bar of California, 29 Cal. 3d 96, ___, 623 P.2d 781, 783, 171 Cal. Rptr. 829, 831 (1981) (failure and neglect to perform fully services for which attorney retained, and failure to respond adequately to clients' inquiries regarding matters of representation); Martin v. State Bar of California, 20 Cal. 3d 717, ___, 575 P.2d 757, 758, 144 Cal. Rptr. 214, 215 (1978) (repeated failure to perform duties for which attorney had been retained, failure to communicate with clients, and misrepresentations concerning status of pending legal matters); In re Loring, 62 N.J. 336, ___, 301 A.2d 721, 724, 726-27 (1973) (failure to keep client informed about status of appeal and to respond to client's request for information and advice concerning case); In re Rosenblatt, 60 N.J. 505, ___, 291 A.2d 369, 370 (1972) (failing to advise client of dismissal of actions and purposefully ignoring and failing to respond to client's communications inquiring into status of the actions).

14. See R. Underwood & W. Fortune, Trial Ethics § 1.3, at 9 (1988); see also Dalton, 95 Bankr. at 860 ("[A]n attorney has an affirmative duty to meet with his or her clients, to counsel those clients regarding the legal significance of their actions and to answer any questions or concerns which the clients may raise."); Schreiber, 98 Nev. at ___, 653 P.2d at 151 ("communication with a client is ... at the center stage of all services"); In re Loring, 73 N.J. 282, ___, 374 A.2d 466, 470 (1977) ("The attorney-client relationship embodies the concept of the client's trust in his fiduciary, the attorney. . . . Inherent in that trust is the duty to advise the client fully, frankly, and truthfully of all material and significant information."); Doyle v. State Bar of California, 15 Cal. 3d 973, 978, 544 P.2d 937, 939, 126 Cal. Rptr. 801, 803 (1976) ("Failure to communicate with and inattention to the needs of a client, standing alone, may constitute proper grounds for discipline.").


16. See Burke & Prescott, Client Interviews, A.B.A.J., Jan.1,

17. See H. Weihofen, Legal Writing Style 205 (2d ed. 1980).


19. See H. Weihofen, supra note 17, at 215.


26. Id.

27. Model Rules, supra note 3, Rule 1.2(a).


29. Id. at 777.


34. Id. at 48, 49; Skelly, Verbatim, Student Law., Nov. 1985, at 46 [hereinafter Verbatim (Nov. 1985)].

35. R. Weisberg, supra note 18, at 94.

36. Verbatim (Nov. 1985), supra note 34, at 46.

38. See McElhaney, Litigator’s Library, Litigation, Summer 1984, at 51.


41. Compendium Press, advertisement flyer for Trial Excellence monthly newsletter.


46. See Lundquist, Advocacy in Opening Statements, Litigation, Spring 1982, at 23, 64.


49. See Becker, Tips for Aspiring Trial Lawyers, Trial, Apr. 1980, at 75, 80.


52. See Miner, Federal Civil Appellate Practice in the Second Circuit, in Appellate Practice in the United States Court of Appeals for the Second Circuit, at 3, 19-20 (course-book for Nov. 18, 1988 seminar cosponsored by the Committee on Federal Courts and the Committee on Continuing Legal Education of the New York State Bar Association).


61. Attributed to an unknown Judge of the New York State Family Court.


64. Fed. R. Evid. 614(b).


69. See New York State Bar Ass’n, Report of the Committee on

70. See, e.g., United States v. Victoria, 837 F.2d 50 (2d Cir. 1988).


74. Id.

75. See New York State Bar Ass'n, Report of the Committee on Federal Courts -- Survey of the Bar 52 (June 29, 1988).


78. Re, supra note 77, at 224-25.


82. See id. at 650-51.

83. Id. at 652-59.

84. See Benson, supra note 15, at 572.
89. Cf. Benson, supra note 15, at 573 (plain english statutes should have legalese-oriented lawyers looking over their own shoulders).
90. Indiana University Hosts Legal Drafting Institute, Scrivener, Winter 1989, at 3, col. 2.
92. See Hugg, Core Legal Abilities Must Be Taught, Case & Comment, Jan.-Feb. 1989, at 8, 11.
94. Id.


104. Id. at 16, cols. 2-3.

105. New York Law School has established a post-graduate "writing workshop designed for lawyers wishing to improve their ability to write sharp, clear prose, to edit their own and others' writing, and to become more comfortable with the art of composing and organizing written material." New York Law School, advertisement flyer and registration form for May/June 1989 Legal Writing Program.