

THE FUNDAMENTALS OF LEGAL DRAFTING. By Reed Dickerson. [Boston: Little Brown and Company. 1965. xx + 203 pp.].

DRAFTING A UNION CONTRACT. By LeRoy Marceau. [Boston: Little Brown and Company. 1965. xxix + 321 pp.].

Two books on legal drafting in one year by the same publishing house must be some sort of a record, albeit a welcome one. In the past, legal drafting has been all too readily dismissed as something that one could only learn through practical experience. To be sure, there is much truth in that view. One could never become a skilled professional draftsman without having had some experience in actual drafting. But like most arts, there is much that can be learned beforehand or at least contemporaneously with practical experience. As these two books amply demonstrate there is a solid body of theory underlying good legal draftsmanship.

Reed Dickerson's *The Fundamentals of Legal Drafting* is a basic general introductory text to legal drafting. As such it will be appreciated by law students and would be useful to practicing lawyers. The first three chapters deal with the general theory of drafting, what legal drafting is for and what it involves. Chapter one is introductory. Chapter two is concerned with drafting and substantive policy, and Chapter three focusses upon drafting as a form of communication. In these chapters the author is not so much concerned with the lawyer's role in formulating substantive policy as he is with the lawyer's need to understand it so as to be able to sharpen, conceptualize and organize the instrument in which the policy is to be given life and form. To this end he notes that, "many draftsmen apparently do not realize that a legal instrument is both (1) a crystallization and declaration of rights, privileges, duties, and legal relationships, and (2) a communication." Within this perspective he deals with what he calls the "major diseases" of legal drafting; "ambiguity", "over-vagueness", "over generality and under generality" and "obesity".

From Chapter Four onward the book sets out an approach to legal drafting that may be called the drafting process. It begins with finding out what the client needs and ends with completing the final draft. Throughout these chapters Professor Dickerson is constantly concerned with the general desiderata of good drafting — clarity and readability. All in all it is a delightful and refreshing book to read, a model of its thesis "clear communication".

One further interesting feature of the book and one of special interest to law teachers is Appendix D entitled "Teaching Legal Drafting." Professor Dickerson there outlines his experience with teaching legal drafting and he sets out a model drafting project that was used in a course given to first year law students at the University of Indiana,

*Drafting a Union Contract* is a much more specialized treatment of the subject of drafting but there is a remarkable consistency in approach between it and *The Fundamentals of Legal Drafting*. Both authors see the purpose of drafting as the statement of rights and duties and the conveyance of meaning. The first seven chapters of *Drafting A Union Contract* are basically a survey of does and don'ts — a set of norms for doing the job. Chapters eight and nine deal with an approach to drafting collective agreements. Chapters ten through twenty-nine deal with the various parts that go together to form collective bargaining agreements beginning with the formal opening clause through to the formal ending. It provides a valuable check list for the content of a union contract as well as setting out model clauses and pitfalls to be avoided. The final chapters are concerned with readability and with the possibility of future amendments.

Where collective bargains are utilized as the basis for ordering industrial relations as in the United States and Singapore, this book will be readily and happily received. It should be part of every labour lawyer's equipment. Ideally, though, he should have both books. Professor Dickerson's work is a scholarly and highly analytical work on the process of drafting. It serves to set the tone, style and approach to legal drafting generally. LeRoy Marceau has produced a specialized book for drafting union contracts. Together, they make a good team, but each certainly stands on its own.