

# Getting Published for Lawyers

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*By Frank Ramos*



*To Ana*

*You Keep Me Writing*

*To David and Michael*

*Keep Changing the World Through Your Music*

DRI

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## About the Author

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Francisco ("Frank") Ramos, Jr. is the Managing Partner of the Miami litigation boutique firm of Clarke Silverglate, P.A., where he practices in the areas of personal injury defense, product liability, employment and commercial litigation. He served on the board of the Defense Research Institute (DRI) and is a member of the Federation of Defense and Corporate Counsel (FDCC), where he served as co-chair of the Deposition Boot Camp and serves as co-chair of the Art of Marketing Seminar and the ACT Initiative.

He is a Past President of the Florida Defense Lawyers Association and Past Chair of the Eleventh Judicial Circuit Historical Society. He has served on the boards of the Miami-Dade County Defense Bar Association, FIU Honors' Alumni Association, FIU Alumni Association, Parent to Parent of Miami, Miami Legal Services and Florida Christian School.

This is Frank's 12th book. His other 11 books include—*Go Motivate Yourself, From Law School to Litigator, The Associates' Handbook, Attorney Marketing 101, Training Your Law Firm Associates, SLDO Strategic Planning Manual, Future of Law, Social Media Musings—My Reflections on the Practice and Life, The Practice and Process of Law—Checklists for Every Occasion, Be Your Own Life Coach* and *LinkedIn for Lawyers*. He has written over 400 articles and has edited four books—*The Defense Speaks, The Trial Tactics Defense Manual, The Deposition Manual* and *Leadership for Lawyers*. Please follow him on LinkedIn, where he posts daily and has over 49,000 followers, or feel free to email him at [framos@cspalaw.com](mailto:framos@cspalaw.com).



## Foreword

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Which of us lawyers haven't thought about writing an article? How about a book? How about the Great American Novel? As I write this foreword, I have written 11 books and over 400 articles, and I'm here to tell you it's not that hard, and if I can do it, you can too. There are many ways to write and get published, and what I share is what has worked for me. It's based on my experiences writing articles and books, which I started in 2001 and have done so, off and on, for the next 19 years. I made my share of mistakes and missteps along the way, and I share what worked for me and what didn't. I hope my experiences help you on your writing journey.



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## Why Get Published?

As a lawyer, there are numerous reasons to get published:

- Establish yourself as an expert.
- Build your brand.
- Market your practice.
- Parlay into speaking opportunities.
- Grow your influence.
- Solidify your reputation.
- Support your platform.
- Expand your following.
- Improve your writing.
- Develop your persuasive skills.
- Pursue clients.
- Become a rainmaker.
- Express your imagination.
- Fulfill a lifelong dream.
- Build your confidence.
- Serve your firm.
- Become famous.
- Become popular.
- Be a writer.

There are many reasons to get published. These are just a few. Some lawyers have grown their practices, their firms and their reputations through their publications. With so many avenues and opportunities for lawyers to write, getting published is on many lawyers' short list for marketing and business development.

## Why Do You Want to Get Published?

Before you commit to writing, ask yourself what is influencing you to do so? If you're reading this book, you probably are committed to writing and are determining how best to do it. Before you do, though, evaluate and analyze why you want to write and get published. The reason to explore your motivations is that when writer's block hits, when the day's exhaustion hits, when a 101 distractions come your way, you'll need to rely on that motivation to press forward and keep writing. Without knowing, understanding and appreciating why you want to write, it'll be easy not to pick up the pen or sit

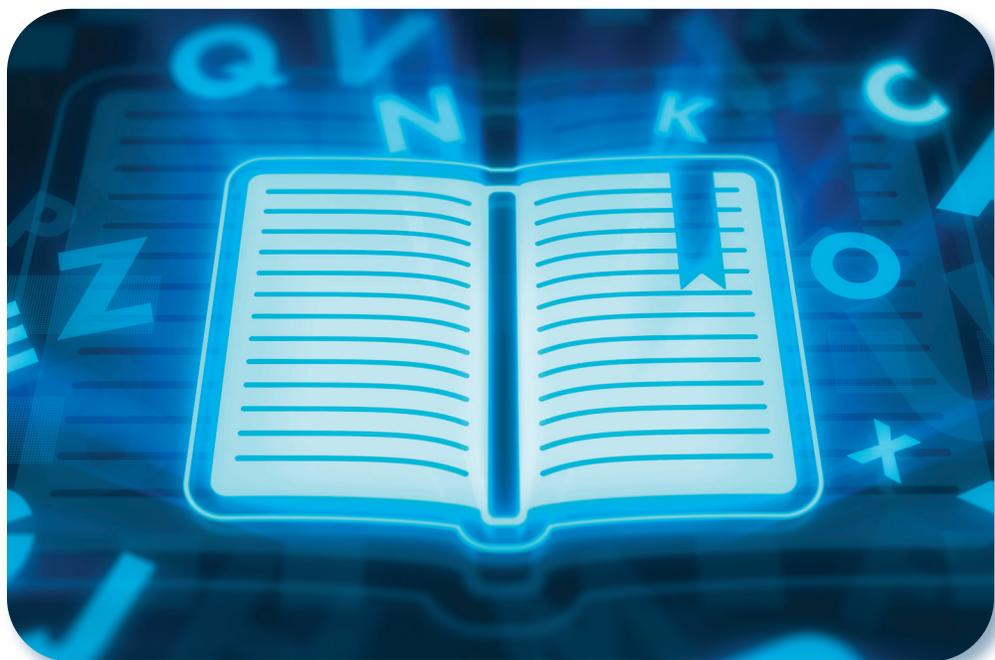
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at the computer when life gets in the way. The difference between those who get published and those who don't is that those who get published write, and those who don't, generally don't. To get published, you need to create the habit of writing regularly, preferably every day; to do so, you have to be motivated to write; and to be motivated you have to know what's driving you to write. So always start with why you want to write. That why will get you to get words on the paper, lots of them.

## Publication Opportunities

There are so many avenues, venues and forums to publish your work. Here is a non-exhaustive list:

- Local, state and national bar association newsletters, newspapers, magazines, websites and blogs
- Attorney blogs seeking guest bloggers
- Trade association journals, magazines, newspapers and blogs
- Your firm website, blog or newsletter
- Business magazines, newspapers, websites and blogs
- Social media, including LinkedIn, Facebook and Twitter
- Law reviews



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- Legal newspapers and websites
  - Local or community newspaper
  - Local or community magazines
  - Your own blog
  - Self publish a newsletter, magazine or book

There are hundreds and hundreds of opportunities available to you to get published. Perform Google searches for “legal publications,” “business publications,” “trade publications,” and “lawyer publications,” and you will scroll through hundreds of sites with hundreds of venues to whom to pitch your ideas. There is no shortage or dearth of forums for lawyers in which to get published. You won’t have an issue finding places to publish. You’ll have an issue deciding which ones to pitch.

## **Firm Website**

A good place to start getting published is your firm website. If you want to generate traffic and attract eyeballs to your firm’s website, it regularly needs new and fresh content. Your firm should consider sponsoring one or more blogs on its website or have another forum which highlights content and copy from its lawyers. Effective websites are organic and grow and expand and provide new content to attract viewers and clicks. So if you’re going to write, writing for your firm website is a good place to start.

## **Firm Newsletters**

Firm newsletters have cycled in and out of vogue over the years. To the extent firms publish newsletters, they typically have gone digital and firms e-mail them to clients and prospective clients. And with us all receiving as many e-mails as we do, most recipients simply delete newsletter e-mails without ever reading a word of them. So when writing firm newsletters, keep the following in mind:

- Keep them short
- Keep them relevant
- Provide practical information and tips to prospective clients
- Address new laws, regulations and cases relevant to your clients
- Keep self promotion to a minimum
- Keep them consistent
- Make them easy to navigate and read
- Make it easy to unsubscribe

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- Make it easy to contact the authors
  - Make them visual
  - Make them look professional
  - Use captivating stock photos
  - Include photos of your attorneys

## Firm Publications

In addition to firm newsletters, firms can publish reports, white pages and e-books geared toward clients. Think about the types of information, news, data and analysis clients crave and evaluate whether your firm can address those needs through a publication. What types of white papers or e-books could your firm produce? Some possible titles include:

- You've Been Sued? What to Expect
- Defining a Win in Your Case
- Preparing for Your Deposition
- What to Expect at Mediation
- What to Expect at Trial
- Preserving Your Data
- Defending Against Hackers
- An Overview of Tort Law
- An Overview of Contract Law
- Defending the "Bet the Company" Case
- How to Reduce Your Legal Spend
- How to Streamline Your Cases
- An Overview of E-Discovery
- How to Investigate a Claim

The possibilities are endless. A short e-book that covers the do's and don'ts on a given topic of interest to clients or prospective clients would be well received. Yes, include disclaimers. Yes, note that you're not offering legal advice and you're not creating an attorney-client relationship by publishing and distributing the e-book. Yes, add all the language your firm wants you to add to protect you and the firm. But, yes, write these types of e-books and make them available on your website, and share them on social media and e-mail them to your clients. They're great marketing tools.

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## Social Media

Social Media is a great place to share content. The largest platforms to vie for attention are LinkedIn, Facebook and Twitter. My personal preference is LinkedIn. I won't go into detail how to use LinkedIn. Feel free to download my free e-book *LinkedIn for Lawyers* on my firm's website ([www.cspalaw.com](http://www.cspalaw.com)) for an in depth analysis of the platform and how to use it. For now, I'll provide some overarching ideas and tips about social media generally and LinkedIn specifically:

- Your clients and prospective clients are on social media. Go where they are and post where they are as opposed to trying to drag them to your website.
- Use social media to build your brand and tribe. Choose a broad topic or two, and have your posts focus on and address those topics. You want to develop a following and create an aura and consensus that you are a thought leader and expert in a given practice area.
- Post regularly. You want to regularly appear in the feed of your followers. You want them to see you and come to expect your posts. If possible, post daily.
- Post substantive content. You can self promote, but do so judiciously. Most of your posts should be substantive and should address issues and present ideas relevant to you target audience.
- Engage with your following. Respond to comments and private messages and engage with those who take the time to follow and praise you for your posts.
- Take it offline. At some point, take some of your online relationships offline. If you're developing a positive relationship with a follower, ask them for coffee or lunch. If they're not local, send them a handwritten note or give them a call.

## Blogs

Blogs came into their own over a decade ago and remain popular. With Word Press and other platforms making the creation and marketing of blogs easy, you don't need any special IT or computer skills to create your own blog. Over the years, I started and contributed to two blogs—Advice for Young Lawyers and Tips for Young Lawyers, both long defunct. I used the copy from those blogs to write two separate books—*From Law School to Litigator* for the Florida Bar and *The Associate's Manual* for DRI. Blogs are a good forum to regularly share content and later repurpose that content for articles, social media posts or e-books. If you're going to start a blog, a few tips:

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- Pick a catchy title that is short and easy to remember
  - Pick a theme for your blog and stick to it
  - Post regularly
  - Keep your posts short, to the point and write in plain English
  - Use stock photos
  - Study the analytics to evaluate which posts resonate and which fall flat
  - Understand growth in followers is slow at first, so be patient
  - Engage with those who comment on your posts
  - Market your blog
  - Promote your blog on social media, on your firm website and through legal websites and publications
  - Repurpose your posts

## Articles

There are numerous journals, magazines, newspapers, newsletters and websites who are in constant search and need for new, vibrant copy. And once you've written a few articles, you'll find it easier to brainstorm ideas and reduce them to writing. When writing an article, keep in mind the following:

- Who is your target audience? Are you trying to reach in house counsel in a given legal sector? Insurance professionals? Attorneys at national firms? First decide who you want to read your article. Then research the publications directed to that audience. Once you have one or more publications that target your desired audience, study their publications and evaluate what types of articles they publish. Once you understand what they publish, the style and tone of the articles and their length and content, you can then pitch your idea to them.
- Craft a strong pitch. Even if you've never written an article, and don't have a long bibliography to impress editors, a strong pitch is a great equalizer. Having studied a publication, its content, its authors, its tone and style, you can e-mail the editor your pitch, which should include:
  - A catchy title
  - A brief summary of the article
  - Why the article is a good fit for the publication
  - Why the publications' readers would enjoy it
  - Why you are qualified to write it
  - A proposed word count

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A strong pitch will catch the editor’s attention and imagination and will greatly increase the likelihood of an editor taking you up on your offer.

- Start with a strong lead. The lead, the hook, the springboard—whatever you call it—those first few sentences is what captures your reader’s attention and grabs their imagination. Make it count.
- Use plain English. Keep it simple. Keep it direct.
- Fact check. If you’re going to discuss a case, statute, regulation, trend or issue, make sure you’ve done your research and it is accurate.
- Keep it short. No one has time to read long articles. Sometimes, you’ll have to write long articles to address complex issues, but delete every unnecessary sentence, phrase and word.
- After the article is published, distribute and promote it.

## Columns

What’s better than a single article? A regular column. And where do you want a column? A publication read by clients you want to call your clients. For example, if you want to represent the hospitality industry, write a legal column for a leading hospitality magazine. If you want to represent companies in commercial matters, write a legal column for your local chamber of commerce publication. If you want to do construction law, how about writing a construction law column for a construction magazine read by developers or contractors? If you want to represent hospitals, how about writing a health law column for a health care magazine? Understand that most publications have shoestring budgets and are happy to entertain free columns. They get free copy from you and you get exposure to their readers. Win, win.

## Books

Writing a book is a great way to bolster others’ perception of your expertise and market your practice. When many of us think of a book, we think of a bestseller sitting in stacks at your local bookstore or featured on Amazon. That’s just one type of book, and in today’s marketplace, it’s a small fraction of the books available. There are so many ways to write, publish and market a book. You can write a book about your practice area, on leadership, on self improvement, or on another topic, and seek out a major publisher, a small publisher, a legal publisher or self publish. You can write a book that is a hard copy book, an e-book or both. For example, let’s assume you specialize in cyber security. You can write an e-book on the cyber threats companies

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face, the legal implications of a cyber breach and how to respond to it. You can write, edit and publish it yourself using self publishing software and give it away for free to prospective clients. You can see how a book like this would be sought out and how it would build and expand your reputation in the legal arena of cyber security. A prospective client has general cyber security questions, you provide her a copy and based on your expertise conveyed in your book, she hires you. A well written, short e-book geared to a certain type of client is an effective marketing tool. Just because you've never written a book doesn't mean you shouldn't consider writing one. Every published author started as unpublished. Evaluate whether you have a book-sized idea and if so, consider writing a book.

## Improving Your Writing

The key to writing is grabbing the reader's attention and not letting go. Wham! Right between the eyes. Once you have landed that first punch, do not let up. Make your point and stick to it. Wander from your message, confuse or obfuscate it, and you run the risk of losing the reader. Make every paragraph, every sentence, every word, every syllable count, pushing the reader to your conclusion, getting him to embrace it like it was his own.

What follows are some tips on how to improve your writing, whether it is addressed to a judge, a client or opposing counsel.

**Reading.** "If you want to be a writer, you must do two things above all others: read a lot and write a lot." Stephen King

Improve your writing by reading what others have written. Get in the habit of reading motions written by others at your firm. Study their:

- \* sentence structure
- \* paragraph structure
- \* argument structure
- \* word choice
- \* transitions
- \* themes

Study their motions. How do they argue their positions? How do they persuade? How do they say what they want to say? How do they get their message across? Reading what others wrote will help you improve your own writing.

**Read Plain English.** When writing plain English, read plain English. Most newspapers are written in plain English. So are the weekly magazines. They say a lot in a tiny bit of space. Get in the habit of reading newspapers to

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study their paragraph and sentence structure. Learn how they communicate complex thoughts in a simple, direct manner. They have a way of turning complex ideas into bite-sized pieces and feeding them to you. That's what we should be doing in our writing.

**Capture the Reader.** Sol Stein in *Stein on Writing* says that if a writer cannot capture a reader's attention right away, the writer has lost the reader. First sentences and first paragraphs are crucial in capturing and keeping the reader's attention. Stein states, "Your entire story or novel may depend on that first sentence arresting the reader's attention. A terrific sentence on page two won't help if the reader never gets there." The first sentence and the first paragraph must hook the reader. As lawyers, the initial paragraph of a letter or the introduction of a motion should capture the reader and draw him into the story you're telling, typically your client's story. Delay in getting to the point and risk losing your reader.

**Be Yourself.** "Nobody becomes Tom Wolfe overnight, not even Tom Wolfe." William Zinsser

Zinsser, in his book *On Writing Well*, says a fundamental rule of writing is to be yourself. In order to be yourself, you must relax and you must have confidence. "Believe in your own identity and your own opinions," says Zinsser. "Writing is an act of ego, and you might as well admit it." Writing is a creative process. It is an expression of you. "Relax and say what you want to say. Style is who you are." With time, you will develop your own style, your own "voice." Don't rush it. It'll take time, but it will evolve and will emerge.

**Developing a Voice.** In *The Elements of Style*, Strunk and White provide a list of reminders in developing one's writing style. Among their tips:

1. "To achieve style, begin by affecting none." Don't put yourself in front of your writing. Put yourself in the background.
2. Write in a way that comes naturally. Use "words and phrases that come readily to hand." And practice imitating good writing. "The use of language begins with imitation." Find good writers in your firm, study their letters, memos and motions, analyze what they do and imitate it. In college, my fiction teacher told us to take a story or poem we liked, and rewrite it in our words, line by line. She suggested we take "Hills Like White Elephants" by Ernest Hemingway, and rewrite each descriptive phrase, each line of dialogue, each give and take between the two characters. We would end up with a different story built around a strong design. Imitation would lead to good writing.

**Your reader has a 30 second attention span.** Zinsser, in his book *On Writing Well*, reflects on the modern day reader and everything vying for his attention. He says that your reader has a thirty second attention span.

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If you make the reader work too hard you will lose him and his limited attention span. Learn to rewrite to make your writing “tighter, stronger and more precise, eliminating every element that’s not doing useful work.” After you do this, read your work out loud and remove additional clutter. There is always more clutter to remove. “Fighting clutter is like fighting weeds—the writer is always slightly behind.”

He instructs us to examine every word we have written. Many serve no purpose. If they don’t, eliminate them. But how does one identify the clutter? Zinsser recommends “putting brackets around every component in a piece of writing that wasn’t doing useful work.” Read your writing without the bracketed portions and listen to how it sounds. By applying his technique he says that most first drafts can be reduced by 50% without losing a single percent of meaning. Remember, “simplify, simplify.”

**Delete “glue words.”** Richard C. Wydick, in *Plain English for Lawyers*, notes that “We lawyers cannot write plain English. We use eight words to say what could be said in two.” His advice begins, “omit surplus words.” He breaks down words into two categories—“working words” and “glue words.” The “working words” are the ones with meaning. They carry the sentence. The “glue words” just hold the “working words” together. Use too many “glue words,” and you have a poor sentence. Wydick recommends isolating all the working words and rewriting a sentence, focusing on those words and reducing the number of glue words. Ask yourself, “how can we say the same thing in a tighter sentence with less glue?”

**Brainstorm.** Before you write, take a pen and a piece of paper and brainstorm your ideas. At this stage, leave the computer off. Just you and a piece of paper, making lists, jotting down ideas, doodling perhaps, figuring out what you are going to write about. Put down whatever idea comes into your head, however foolish it may strike you. You can discard the foolish ideas later. Who knows. That foolish idea may not be so foolish after all.

**Prepare an outline.** After you have put your thoughts on paper, organize them in the form of an outline. Sort through your ideas, keeping some and discarding others. The outline will serve as a blueprint for your writing.

**Know your audience.** Remember, you are not writing for you, you are writing for your audience. Forget this and risk alienating and boring the reader. How you write a motion for a judge is different from how you write a letter to a client.

**Serve the reader.** Keep the reader’s needs in the forefront when you write and serve those needs to a fault. You write to inform the reader, to persuade him, and yes, to entertain him. Serve your selfish needs over the reader’s at the risk of losing the reader.

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**Bam!** Hit the reader between the eyes. Hit the ground running with a strong start. You are not working up to a crescendo. You start at the crescendo. The first sentence or two must grab the reader's attention. In those first sentences, you must let the reader know why he should keep reading. Remember, Alice was down the rabbit hole on page two or three.

**Just say it.** Be direct. If what you have to say is important enough to reduce to writing, just say it. Do not mince words, do not hem or haw. Be bold, blurt the words out and keep moving.

**Get to your point.** Right away, let the reader know the point of your writing. If the reader has to read three pages of your six page motion to figure out what you are trying to say, then you have failed as a writer.

**Stick to the point.** Once you make your point, stick to it. Do not wander off the path. Digressions distract.

**Support your point.** If you make assertions, support them. Why does your position make sense? Why should the reader agree with you? Use facts, anecdotes, examples, cases, whatever you need to bolster your position.

**Keep it simple.** Limit what you have to say. Say too much and you will lose the reader. If you can make two or three points that stick with the reader, you are better off than making ten points that do not.

**Speak plainly.** Do not use flowery prose to get your point across. You do not have to show the reader how smart you are. Readers hate arrogance. They will hate you for it.

**Be precise.** Avoid ambiguity in your writing. Make sure what you intend to say is expressed correctly.

**Speak confidently.** Do not be shy or bashful about what you have to say. If you are not confident about your position do not expect the reader to be.

**Tell a story.** Make it a good read. Judges and clients read their share of letters and motions. If you want yours to stand out, tell a story. The beginning must captivate, the middle must hold the reader's attention and the ending must be strong.

**Less is more.** Say as much as you can with the fewest words possible. People have less time and shorter attention spans. Certainly I do. Make your point in the fewest words and fewest pages possible.

**Edit, Edit, Edit.** Do not be happy with your first draft, your second, or perhaps even your third. Edit out the excess sentences, phrases and words. Make sure your argument holds water, the transitions are smooth and the word choice is proper.

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**Keep your paragraphs short.** *Keep your paragraphs to three to five sentences. Longer paragraphs tend to lose the reader.*

**Keep your sentences short.** Keep your sentences to 10 to 20 words.

**Keep your words short.** Use words that have fewer syllables.

**Eliminate throat clearing phrases.** Don't clear your throat on the page. Words and phrases like "clearly," and "as you know" add nothing to your writing. They simply detract from it.

**Avoid redundancies.** Avoid words and phrases that say the same thing. Multiple modifiers should be eliminated or at least pruned.

**Avoid filler language.** Remove any words that do not contribute to what you are trying to say. Any words that are simply hanging around, not pulling their weight, must go.

**Eliminate unnecessary prepositional phrases.** Go through your writing and remove unnecessary prepositional phrases, or reduce them to a single word if possible.

**Eliminate adjectives and adverbs.** Adjectives are a crutch for weak nouns and adverbs are a crutch for weak verbs. Use strong nouns and verbs and eliminate their supporting cast.

**Eliminate words.** After you have scratched out the unnecessary adverbs, adjectives, prepositional phrases and needless words, review your writing again to see what else can be eliminated.

**Limit each sentence to one idea.** Do not overburden your sentences. Make a single point and put a period down.

**Limit each paragraph to one idea.** As with sentences, pick an idea and support it throughout the paragraph. If you have another idea that you need to address, start another paragraph.

**Use the active voice.** The subjects of your sentences should not be victims. Things do not happen to them. They make things happen. Speak in the active voice. Avoid passive verbs such as "is" or "was." Active sentences are clearer and get to the point faster.

**Keep the subject, verb and object close together.** Keep the subject of the sentence, the verb and the object close together. By keeping them close together you make your sentences clear, direct and short.

**Start sentences with the subject.** By starting your sentences with the subject, the reader knows right away who is performing the action. Follow the subject with the verb and object, and you can make strong sentences with very few words.



**Avoid the perfect tense.** When possible, avoid using the past perfect tense (“I had run the marathon...”), present perfect tense (“Lawyers have known...”) and the future perfect tense (“I will have finished...”). In their place, use the past tense (“I ran the marathon...”), present tense (“Lawyers know...”) and the future tense (“I will finish...”). The perfect tense is longer and less direct.

**Make the verbs do the heavy lifting.** The most important word in the sentence is the verb. Use strong, active verbs and make them do the heavy lifting in your sentences. You do not need adjectives and adverbs to make a sentence. But without a verb all you have is a group of words with nothing to do.

**Do not turn verbs into nouns.** Do not convert verbs into nouns (“utilization,” “personification”). By doing so, you weaken words and you tend to speak in a more stilted, bureaucratic tone.

**Use concrete nouns.** Where verbs create actions, nouns create visuals. Use nouns that create a visual image and paint a picture. Avoid abstract nouns.

**Use precise nouns.** Use the right noun for the job. Use the wrong one and you may not convey the message you want.

**Avoid misplaced modifiers.** Keep your modifiers close to the words they are modifying. Misplacing the modifier may cause the reader to take away a different message than the one you are trying to convey.

**Place pronouns close to the nouns they modify.** Keep pronouns close to the nouns they modify so the reader knows which nouns you are referring to.

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**Maintain parallel construction.** Whenever you are going to use a series of words or phrases that are related, they should be stated in a similar form.

**Check subject/verb agreement.** Make sure that your verbs agree with their subjects.

**Avoid legalese.** Avoid using legalese. Nothing alienates your reader more than words that only lawyers use. By the way, strike the word “said” from your vocabulary.

**Avoid clichés.** Avoid trifling language like clichés. They are hackneyed and you are not a hackneyed writer.

**Avoid contractions.** For the most part, avoid contractions. They are better for informal speaking, not formal writing.

**Avoid bold and italics.** Avoid sprinkling your writing with bold and italics. Often they are used to compensate for poor writing. Use strong writing to emphasize your points.

**Avoid technical words.** Avoid using trade or technical words. If you must use them, define them in layman’s terms.

**Avoid big words.** Avoid using ten-dollar words. If your reader has to put down your writing to grab a dictionary, you are serving your interests over the interests of your reader.

**Use familiar words.** Use terms with which your readers are familiar. Comfort foods, like meatloaf, have become popular in restaurants, because consumers feel comfortable with them. Think of words the same way. Make your reader feel comfortable with your writing by choosing words they are comfortable with.

**Use your terms consistently.** Do not call an item one thing on page two and give it a different name on page three. Stick to the same term to avoid confusion.

**Start each paragraph with a topic sentence.** Start each paragraph with a topic sentence. Make your point up front and spend the rest of the paragraph supporting it.

**Use transitions.** Make sure you use words and phrases to transition from sentence to sentence and paragraph to paragraph. Transitions make your writing smoother.

**Vary sentence structure.** Even though the rule of thumb is to keep your sentences short, try to vary their length. Otherwise, your writing will sound choppy.

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**Do not overstate or misstate.** Do not exaggerate or misstate your position. You lose credibility by doing so.

**Do not take personal shots.** Keep it professional. Do not attack the other side or opposing counsel. Do not confuse being an advocate with being a jerk.

**Use headings.** Whenever you are writing a letter or motion that is several pages or more, use headings to guide the reader.

**Use lists.** Consider using lists in your writing to make a point. Perhaps you can create a list of all your arguments to show the judge why he should grant your motion. Visually, lists get your points across to the reader.

**End Strong.** Just as you start strong, finish strong. You started by punching the reader between the eyes. Finish him off.

**Read it out loud.** Read your writing out loud. Listen to how it sounds. Likely, you will make additional changes after doing so.

**Take a break.** After you have written a draft and revised it, take a break and pick it up at a later time. With a fresh look, you may see errors or lapses of judgment you overlooked before.

**Know when to stop.** Once you have said everything you need to say, whether it in a motion, a letter, or an article, know when to stop.

## The Writing Process

If you're going to commit to writing you need to appreciate that writing is a process and that you need to commit to that process. I write every day, and I write a minimum of 1000 words a day. Typically I write about 1,500 words. It wasn't until I committed to a daily word count that I was able to generate much content. I started writing articles in 2001. I didn't write my first book until 2007. And I didn't write my next book until 2016, nine years later. And the reason for that is I wasn't committed to the writing process. I liked the idea of writing. I liked talking about writing. I read about writing. I attended conferences about writing. I took classes on writing. But when it came to the actual writing, I wasn't committed to writing a set number of words each day. In 2016, I committed to writing at least a 1,000 words a day, and since then I've written hundreds of articles and about a dozen books. Until you commit to the process, your output will be anemic at best and nonexistent at worst. A lot of folks ask me about writing. I tell everyone what I learned the hard way. Until you commit to a daily word goal, you'll likely never write that book you've been talking about writing for weeks, months, years and possibly decades. So pick a word count. It can be 250

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words. Or 500 words. Or 1,000 words, like me. And commit to it. And don't look back. I don't want to hear about the conference you attended. Or the book on writing you're reading. Or the writing blog you discovered. I do not care. Do the work. Write the words. Every day, write the words. Writing is about writing. Writers write. Don't call yourself a writer if you're not writing. Just write and do it every day.

## Your Process

Your process starts by choosing a daily word count and sticking to it. Once you decide on a work count, set time aside each day to achieve that word count. Let's say you're committed to writing 250 words a day. How do you find the time to write that many words?

- Dictate in the car using a voice recognition app on your phone.
- Write on your phone's notes app when waiting in line, waiting for a hearing or deposition, or waiting for a conference call to start.
- Get up 15 minutes earlier and stay up 15 minutes later to write.
- Reduce or eliminate watching television to write.
- Reduce or eliminate time on the internet to write.
- Use your down time to write.

You have the time to write every day if you want to. If you don't want to, that's fine. But be honest with yourself. You're not writing not because you don't have enough time. You're not writing because you would rather use your time to do something else.

## The Commitment

Writing, primarily, isn't about ideas, or style, or diction or cadence. It's not, primarily, about editing or brainstorming or rewriting. Writing, first and foremost, is about the commitment to writing. I don't care how great a writer you are. I don't care how every teacher you've ever had said you're a great writer. I don't care how much others compliment your writing. None of that matters if you're not committed to writing. If you're not putting pen to paper or fingers to a keyboard regularly, then the skill and the talent mean little if anything. You're a talented writer? Write. You want to write? Write. You want to make a difference through the written word? Write. Commit to writing and don't look back. I believe every non-fiction book has one overarching theme, purpose, goal or idea; however you want to couch it. This book's central idea is simple—writing is easier than you think—just commit to a daily word count, stick with it, and the posts and

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the articles and the columns and the books will come. It starts and ends with the commitment to writing.

## The Passion

If writing is about commitment, where you write day in day out, week in week out, month in month out, year in year out, then the question that precedes the commitment is simple—are you passionate about writing? Do you want to write? Do you crave to write? Is writing like breathing? Like living? How much do you want to do it? How much passion do you have for writing? Because if you lack the passion, if you want to write for the wrong reasons, if it's more about getting published and selling lots of books, or making lots of money in royalties, you're not going to stick with it. You'll do it for a season and you'll get bored and move on. So before you commit to it, be honest with yourself and gauge your passion.

## The Idea

Good writing rises and falls on the idea encapsulated by the writing. If you have a great idea, and you express it clearly and succinctly, then you will captivate and engage your readers. Every post, every article and every book should be built upon, expound upon and deliver on one big idea. The best business books, no matter how many words, pages or chapters, are born of and formulated around one big idea, an idea that is self evident when expressed and life changing when adopted and followed. Think about some popular business books:

Start with Why	—	Start with your purpose
360 Degree Leader	—	You don't need a title to lead
Grit	—	Success is built on grit and perseverance
Range	—	Success is built on a wide array of experiences

Any great business book can be reduced to a single sentence—the core idea from which page after page, and chapter after chapter flows. In fact, I believe wholeheartedly that there isn't a business book—a book on leadership or marketing or sales or self-improvement—that can't be reduced to 15 pages or less. The rest is stories and anecdotes, data and examples, support and information to give you a reason to spend \$20 or more on the book. In fact, there are numerous monthly services you can subscribe to that reduce popular business books to five minute reads. These services understand the premise I just shared—business books express one big idea and then they find a way to talk about it over 200–300 pages to justify the purchase

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price. So before you commit to write an article, identify your big idea and let your writing flow from it.

## **Developing the Idea**

Once you have a big idea, brainstorm it and think through all the issues, concepts and thoughts that flow from it, relate to it or address it. I used to perform this process with a journal and pen, and free think and vomit out any and all words and phrases and thoughts that burst from my brain. In the last few years, I've transitioned to word documents and my note taking app to jot down everything my brain is spewing and spitting out. I don't care how crazy or odd or off the wall the thought is, I just jot it down. It is this brainstorming process, which my high school English teacher, Ms. Chauveron, taught me, which I still use today. It is this creative process, this free flow process, this open ended process, this free association process, that allows one to hold one idea's to the light like a prism, and let it break the light into a wide spectrum of colors. Taking your idea and exploring every facet of it, every angle, every side and every shadow allows you to see how best to share that idea with the reader.

## **Reducing the Idea to Writing**

Once you have an idea and have brainstormed, studied and analyzed it, write an outline for your article or book that spells out, develops and applies your idea. By organizing all your random thoughts, and incorporating some and discarding others, and seeing how one transitions into the next and how one affects and addresses the next, you can organize all your thoughts in an outline and have a framework for your article or book. A big idea, which is developed and fleshed out in the form of an outline, is the skeleton for a well written piece. Once you have this, the piece writes itself. It really does. Try it and see for yourself. The idea, spelled out in an outline, walking the reader from A to B and B to C, allows you to simply sit down and in a simple, direct way, expound on your idea and make it accessible and useful to the reader.

## **Research**

Some of your writings will need research. Take the time to perform exhaustive research to ensure that if you're relying on a statute, case or regulation, it's valid, it says what you say it says and that your representation about the state of the law is accurate and sound. My writing, for the most part, is not research-based. It is experiential. It is based on my experiences

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and observations and is a reflection of my thoughts and ideas. I don't remember the last time I researched for any article or book I wrote. My experience in legal writing is unique. You'll likely want to write one or more articles or books that will require research. Treat it the way you would treat a dispositive motion or a brief. Make sure the research is thorough, accurate and has no red flags.

## Fact Checking

Your writing may rely on studies, statistics, findings or facts. Make sure to double check those facts. Nothing undermines your credibility in your reader (particularly in the eyes of readers who are prospective clients) than wrong, bad or outdated facts. Make sure the cases you cite are still good law. Make sure the statistics you cite are accurate, relevant and pertinent. Make sure the quotes you use are accurate and used appropriately. Every fact you assert must be correct and accurate.

## Pitching an Idea

To get an article or book published, you need to sell your idea to an editor, literary agent or publisher. This is your pitch. This is your opportunity to convince someone they should publish you. A pitch, which I typically send via e-mail, should include the following:

- Title for your piece. Short and catchy.
- Your expertise to write the piece.
- A summary of the numbers and types of your published works, if any.
- A brief summary of what you're writing.
- Description of the intended audience and why your writing resonates with them.
- Description of your author platform, including any websites, blogs, social media or other resources you have to promote your writing.
- Any similar writings publicly available and why yours is different and necessary.
- Proposed word count.
- When you plan to complete it.
- Whether your writing has the potential to be expanded into future pieces.

If you're pitching a magazine, newsletter, newspaper or other periodical, read through an issue or two, study the content and couch your pitch in terms

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of the content you read. If you're pitching an agent or publisher, study their guidelines and pitch them accordingly.

## Whom to Pitch

There are innumerable entities to pitch. If you're pitching an article, consider pitching:

- Legal periodicals, magazines, newsletters, newspapers and blogs
- Business publications
- Trade publications
- Popular business magazines, websites and blogs
- Popular publications geared toward professionals
- Diverse publications geared toward diverse professionals
- Legal, business or popular blogs, blawgs and websites
- Community magazines and newspapers

If you're pitching a book, consider pitching:

- Your state bar association
- Voluntary bar associations
- Trade or business publishers
- Literary agents or book publishers who focus on books like yours

If you search "legal publications," "business publications," "trade publications," "popular publications," "leadership publications," and "marketing publications," you will find hundreds of publications to which you can pitch your ideas.

## Pitching an Article

Before you run, you need to learn to walk, and before you write a book, I recommend you write some articles. I wrote many before I wrote my first book. So, before you pitch a book, pitch articles. When pitching an article, do the following:

- Find the right publication. There are two approaches to this. If you know what you want to write, search for the right home for your article. If you don't know what you want to write, and are more focused on reaching a given audience, search out publications that cater to that audience. For example, you are a products attorney and want your article read by in house counsel of large manufacturers. Research what publications are geared toward them. Review several issues and you

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can see what topics resonate with them and decide whether you are qualified and have the ability to write on those topics.

- Study the topics, ideas, tone, approach and tenor of the articles in the publication. Your article will have to fit into the style and feel of the publication, so you need to figure out what that style and feel are.
- Find the right person at the right publication. Once you have a publication to pitch, review who is responsible for the publication. Review the names, titles, positions and responsibilities of the various editors, and e-mail the editor best suited to receive your e-mail with your pitch.
- Keep your pitch brief and geared toward the editor you're writing.

In your pitch, include:

Title.

Your expertise.

A summary of your published works.

A brief summary of your article.

Description of your author platform.

Any similar writings publicly available and why yours is different and necessary.

Proposed word count.

When you plan to complete it.

Whether your article can become a column and how.

Your contact information.

- Understand that many editors will never respond to your inquiries. You consider it rude. They consider it par for the course. Keep pitching.

## Pitching a Column

Search for a publication prospective clients read and pitch writing a column for the publication. Imagine every month that publication hits the desk or inbox of prospective clients and they see and read your article addressing issues important to them. Finding the right publication, and writing a legal column for it which will be read by those in a position to refer you cases is the pinnacle of writing for a lawyer. That's marketing 101. The holy grail. And you'd be surprised how many untapped publications are out there open to having a monthly legal column relevant to their readers. Once you've found the right publication and the right editor to pitch there, pitch your column much as you would pitch an article, but explain what topics you can address over the next 6-12 issues and what you can address in the coming months

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and years. You want to show you can write enough to keep the column active, relevant and vibrant for years to come.

## Pitching a Book

When pitching a book, you don't need a complete manuscript. A few chapters and an outline generally suffice. Your pitch will be driven by whom you are pitching.

*Voluntary Bar Association or Trade Association.* If you're writing a legal book for a legal association, you want to demonstrate your expertise on the subject of your book, explain why the book matters, why you should write it, and why the association's members will want to read it. Having a platform—a website, social media following, a blog—where you have a large, engaged following—will demonstrate that you can bring an audience to your book and generate buzz and interest in it. Most associations should have a form or a series of questions they expect completed and answered to consider your proposal. Also, they will be interested in your prior publications, even if it's simply a handful of articles or a blog. Consider writing a book like running a race. First you have to demonstrate proficiency crawling, then walking, then running. You'll need to demonstrate that you have written shorter pieces and have written them well to be entrusted with writing a full length book.



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*Literary agent or book publisher.* There is a huge gap between pitching a book as a trade publication to a voluntary bar association and pitching a book to an agent or publisher with the hopes of getting your book in bookstores and bestseller lists. Success here comes down to one word—platform. Every agent and publisher I’ve communicated with, and everything I have read on the subject says that a large platform is essential. Gone are the days in the arena of non-fiction books where publishers pluck unknown writers with great ideas out of the air and transform them into bestselling authors and worldwide phenomena. If you don’t have a platform with tens of thousands, if not hundreds of thousands of followers, who are engaged with you and your writing, the odds of landing a book deal are remote. You may still be able to do it, but the odds are against you. Create a personal website, choose one or two social media platforms, consider blogging, and create and push out content through these means, which collectively, are your platform. The platform comes first, the book follows.

## **The Importance of Audience**

The audience dictates the content and style of your writing. Writing starts and ends with the audience. As a writer you serve the audience, not yourself. Writing that serves you is called a diary or journal. Writing that serves an audience is everything else. First identify your audience. Next, identify their needs. What do they want? What do they expect? What do they enjoy? Although all audiences have similar wants and needs when reading—clarity, brevity, authenticity—each audience has its own interests, concerns, wants and pet peeves that you as the author should be aware and conscious of when you write.

## **How to Write for an Audience**

Read what your prospective audience reads and evaluate its content and style. How long is it? How long are the paragraphs? Sentences? Words? Are there anecdotes, stories, digressions and analogies? Or is one idea quickly followed by the next, one bullet point after another? How patient or impatient is your audience? Are they reading simply for information? For motivation? For self improvement? Define the audience’s needs and satisfy them.

## **Finding Your Voice**

No one can write like you. No one can express themselves the way you do No one can tell your story like you. So find your voice and be authentic. Being

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someone else, speaking in another's voice, imitating others, pretending to be someone you're not, will result in your story and message being discordant with who you are, and it will come across as fake and empty. Acknowledge and accept who you are. This process of self acceptance and discovering your voice will help you find your tone, your cadence, your diction and your manner of expression.

## How to Write

Do you want to learn to write? I'll teach you to write in one word—write. Write every day. Don't skip a day. Not a weekend. Not a holiday. Every day, write something. Writing is like running, or working out or anything else that takes energy, effort, sacrifice and commitment—you do it day in, day out, week in, week out, month in, month out, year in, year out. The skill of writing well comes from writing, a lot. From experimenting. From trying different things. Imitating. Reading. Reading a lot. In all this effort, this pursuit, this chase, you find you, you find your voice, your destiny, and you learn, rather you allow, all the words to pour from every sinew of your body onto the page like a rushing current. That's the goal. Just you and the words. Once the dam breaks, you won't be able to stop the words. It's then that you've learned to write. Or rather, writing has learned you.

## Grammar

I don't have much to say about grammar, other than it's important and we all need to know the rules of grammar, and generally, not always, but generally apply them. There are multiple books on grammar you can buy online. The Elements of Style covers grammar and more. There are other books that my high school teacher, Ms. Chauveron, would embrace. Google grammar books, read the reviews, and order a couple that work for you. They're dry. They're boring (sorry, Ms. Chauveron). But they're necessary.

## Breaking the Rules

Once you know the rules, you can break some of them. I use contractions. I use my share of dashes. I use too many commas. They're for effect. I've been known to end a sentence or two with a preposition. I write short sentences. Very short. And I write a lot of them. A lot. I start sentences with "and." I write like I speak, even though writing is writing and speaking is speaking. To get here—to get to this style of writing—took time. Learn the rules. Learn

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from the masters. Learn from the best. And then, find your voice and once you do, project it.

## How to Communicate

When writing, particularly non-fiction, you have to have something to say and you have to say it directly, forcefully and simply. The purpose of non-fiction, generally, is to convey an idea that the reader can use and show how the reader can apply it to her life. Think of any business or self improvement book you've read. The book typically has one big idea it's trying to convey, it explains why the idea works, why it will work for you, how you can apply it and if you do, how you'll improve your career, leadership, communication, empathy, or life. Writing starts and ends with the idea. If you have an idea, a great idea, a transformational one, the writing will take care of itself. If you have no idea, if you're writing simply to write, to self promote, to sound or come across as important, no amount of wordsmithing will save you. So start with an idea. Think through how to share it, explain it, empower others to embrace and use it. That's communication.

## How to Tell a Story

Stories share truths, principles, ideas and concepts. It is in their characters and symbolism, their details and cadence that you can express not only the story itself but so much more. Think of parables and fables. Think of legends and folklore. The heroes and the villains. The winners and losers. The obstacles and the challenges. Overcoming and prevailing. We lawyers, all of us, are story tellers. We tell stories to our children when we tuck them in, we tell our clients' stories to judges and juries, we tell stories around water coolers and over drinks. To tell a story, start with a character, have something happen to her, have her respond and have the act and response tell the story. What happens to us and how we respond, those are stories, both real and fictional. We learn from those stories. We learn from them because we have lived some of them, observed others and innately, viscerally understand the rest. Stories work because they capture and tickle our imagination. They inspire and motivate us. They teach us about ourselves, hold a mirror to us, help us see ourselves, both the beauty and the ugliness, both the bad and the sublime. Practice telling stories to friends and family. Focus on the details and the pacing and the cadence and the diction. Often, how we tell a story is as important as the story itself. Read stories. Listen to them. Think about what works. What touches you. Emulate that in your stories. Becoming an effective story teller takes time and practice, but anyone can do it.

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## How to Inspire

Motivational and inspirational writing gives the reader hope, reassurance and help to define, achieve and pursue their dreams and goals. To inspire, focus on the positive. Focus on optimism and offer hope. Because so many need a nudge or push, a kind word or a gentle reminder, motivational writing is in high demand, well received and read often and regularly. Spend time reading motivational books and quotes, listening to motivational speakers and videos, and study how others motivate through their words, stories, anecdotes, quotes, cadence, diction and emphasis. Motivational writing (and speaking) is a skill leaders and thought leaders should develop to increase their influence and better serve others.

## How to Write on Social Media

More and more, folks are getting their news and information, their thought leadership and ideas, from social media. Many regularly follow their LinkedIn, Twitter and Facebook feeds and rely on posts on these platforms to stay apprised of legal and business trends, issues and concerns relevant to their firms and companies and to equip themselves for the ever changing commercial, governmental, political and social world in which we live. If you post on social media and do so regularly, you can develop the reputation and brand of a thought leader on a topic or practice area. For example, regularly posting on cyber security can establish you as an expert in the field on a given platform. There are lawyers I follow on LinkedIn who have built brands and reputations as experts in insurance, cyber security, products liability, drugs and medical device, among others.

So how do you become a thought leader, a social media influencer, a source others follow and read? Start by choosing a topic, one broad enough that you can post about a month from now, a year from now, a decade from now. And be prepared to post regularly, preferably daily. Before you commit to social media, ask yourself, will you still be posting a year from now? It takes time, a long time, of regularly and consistently posting, to develop a following, to build a platform and become established as a thought leader. Once you commit, post regularly on that topic. Keep your posts short. Keep them relevant. Address what others in that field or sector are addressing. Discuss what others are discussing. Get ahead of the discussion. Direct the discussion. Enhance the conversation. Think about the folks you follow. Think about the posts you read. What gets your attention? What draws you in? The goal is to become the go to person on a given platform on a given topic or practice area.

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## How to Blog

Blogging has gained, lost and regained popularity over the years. It seems everyone and anyone has a blog. Just because they're ubiquitous doesn't mean you or your firm shouldn't have one (nor does it mean you should have one). But blogging, like social media, takes time and commitment. A blog that goes live today and goes dark or inactive in six months is a poor use of time and resources. Any form of writing which is based on building and nurturing a following requires proper care and feeding over a period of time—regular blog posts on a given topic or subject area, over months and even years. As with posting on social media, you'll post regularly. Keep the posts short—longer than social media posts but shorter than articles. Think 100-400 words. Explore every aspect of your topic or field of practice. You'll have to if you're going to post fresh content regularly. It's both quality and quantity. Quality posts posted regularly. You have to be prolific. You have to enjoy writing, a lot. Blogging works if you're committed to blogging. It's not for everyone. Count the costs. You have to love it. You need to block out time to do it. And you have to keep doing it. For months. For years.

## How to Write an Article

When writing an article, start with one idea and express that idea and its application in a direct, succinct manner. Roughly, there are two types of articles you'll write as a lawyer. First, there are the research and law-based articles wherein you teach others about a legal issue, case, law or regulation. Accurate and up to date research is crucial. Explaining difficult legal issues in simple but not simplistic terms, and addressing the significance of a case or legal precedent is the meat and potatoes of these articles. You have to balance between being thorough and comprehensive and being direct and to the point. These articles are typically found in legal journals, magazines and newsletters. The second type of article is more experiential. It's your take on a legal, business or practice issue or it's you addressing a leadership, motivational, communications or similar issue. Typically, these are based on your observations or experiences, tend to be more conversational and provide more hot takes, tips, takeaways and advice for your audience. These articles are typically easier to write than research-based ones and are generally more popular. Of the over 400 articles I've written, less than a dozen have been research-based, and I haven't written a research-based article in over a decade. I'm not suggesting you don't write research-based articles, but appreciate the work, time and effort they demand. I can write an extemporaneous article on depositions, for example, in an hour. It takes me much longer to write a research-based article on the latest cases addressing depositions.

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## How to Write a Non-Fiction Book

What lawyer hasn't thought of writing a non-fiction book? It's easier than you think. The next section discusses how to do so in 60 days. Yes, you can write a book, a whole book, in 60 days. Before I tell you how, let's discuss, generally, how to write a non-fiction book.

First, you need an idea, a big one, that is large enough to fill a book. If you have such an idea, brainstorm and write down every aspect of the idea. Take those thoughts and turn them into a detailed table of contents. This will be the frame upon which you build your book. Commit to a daily word count and write each day. Once you complete a draft, edit it. Then edit it again. Once you're done, you have a completed manuscript. It starts with an idea. Explore the idea. Weigh it. Hold it up to the light. Dissect it. At the end of this process, you'll have the idea fleshed out enough to turn the thought into a book.

## Write a Book in 60 Days

You can write a book in 60 days. How do you do that? First, let me share a few words. 20 words, to be exact:

### **IDEA**

All great books start with a great idea. We all have great ideas that can benefit others.

### **SKILL**

You went to law school. You write every day. You have the tools to write a book.

### **TIME**

You have time to write a book. You watch TV? Stop. You go to the movies? Stop. Play golf? Stop. There's a difference between priorities and time. You have time to write. You may choose not to prioritize writing. That's on you.

### **EXPERIENCE**

Write what you know. You want to write in 60 days? You don't have time to research your subject. You must already know it.

### **VERB**

Writing is an action. What you are writing about must jump off the page as if it's in action. Writing is mostly verbs and some nouns. No adverbs, few adjectives.

### **MOTIVATION**

You need someone to motivate you to write? Then you don't want to write. You like the idea of writing. You think it would be cool to write. But you

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don't actually want to write. I don't mean that as a knock on you. It's simply an observation. Find what you're really passionate about and do that. Let someone else write.

### **PASSION**

Write about what you're passionate about. It'll come across on the page and you'll connect with the reader.

### **EGO**

Leave it at the door. You know what prevents a lot of people from writing? Their ego. They're not happy until they write the perfect sentence or paragraph because they want others to think they're fabulous writers. Get over it. No one cares. They care about the idea. They care about what you say. How you say it is a distant second. I know right away when someone cares more about how they're saying something than what they're saying. It upsets me. Don't be that person.

### **SECRET**

Do you want to know the secret to writing? There is none. The average nonfiction book has between 50,000-80,000 words, give or take a few thousand words. Do you want to write a 50,000 word book in 50 days? Write 1,000 words a day. You want to write a 80,000 word book in 40 days? Write 2,000 words a day. How long does it take to write 1,000 words? 2,000 words? Less than you think.

### **BOOK**

You're writing a book. That means your idea must be big enough to fill the pages of a book. Maybe it's only big enough for an article, or a blog post or just a LinkedIn entry. That's cool. Don't pump hot air into it with endless anecdotes and digressions. You either have a book or you don't.

### **READ**

Go to a bookstore, go to the nonfiction section, find the aisle with books on your topic and read the titles, the tables of contents, the book covers and reviews. That'll provide you a framework for your book.

### **ONE**

The best non-fiction books revolve around one idea. For example:

- Play to your strengths.
- Keep the end in mind.
- Create a process and follow it.
- We all have a destiny.

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Are folks going to remember your idea? If you have one, and it makes a difference, they will. They may not remember the title or the author, but they'll remember the idea.

### **EMOTIONS**

No one cares you're writing a book. Don't take it personally. The only people who like to talk about writing are other writers and most of them want to talk about what they're writing. Check your emotions at the door.

### **MONEY**

Your book probably won't make money. I give all of my books away. I get a voluntary association like DRI to publish an e-version of my books and I tell them to give it away and I do so too. If you're in it for the money, stick to law.

### **ADVICE**

There's a lot of advice on how to write a book. Some of it is good. Some sucks. Remember, the more time you spend studying how to write, the less time you're spending writing. Just trust yourself and write.

### **DEADLINE**

We lawyers work on deadlines. If you don't impose a deadline on yourself, you'll never finish writing. That's why 60 days.

### **MOMENTUM**

Another reason for 60 days? Would you write a book if I told you it would take a year? How about two years? Who wants to spend a year getting to their goal weight? I want to do it in two months. If you create momentum when writing, then you'll run, not walk, to finish it.

### **NAYSAYERS**

So many of them. Never tell anyone you're writing a book. I don't. I tell people after I'm done. You can't doubt I can do it after I already did it. They can go watch the game or binge watch yet another show. I could care less. I have work to do.

### **SHAKESPEARE**

I'm no Shakespeare. I'm telling associates how to litigate cases, telling firms how to start their own associate training programs, telling partners how to develop business and telling anyone and everyone how to find their destiny and pursue it. Those are my books in a nutshell. These books aren't Taming of the Shrew or King Lear. These are how-tos. Remember that and you'll avoid a lot of writer's block.

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## **PERFECT**

Only God is perfect. You're chasing perfection in your writing? You know what you're really chasing? Madness.

Okay, enough words. Let's get to work.

## **The Next 60 Days**

### **DAY 1-5**

#### **Develop your idea.**

If you're reading this, and you're seeking advice on how to write a book, odds are you already have an idea about what to write about. Write the idea down and brainstorm it. Think through it. Is this a great idea? Is it new? Is it a new take on an old idea? Is it your spin on an idea?

Do you have a long commute? Talk through the idea out loud. Your favorite show is on? Skip it, take a pad and pen, and brainstorm the idea. This is gut check time. Is there a book here? Isn't there? If there is, we move on to day 6.

### **Day 5-10**

#### **Develop your table of contents.**

Take your idea and turn it into a table of contents. A very detailed table of contents. Break your idea into 10-15 chapters, with descriptive titles that explain what each chapter addresses. Take each chapter and subdivide it into detailed subtopics. My subtopic titles are generally covered in a page or two. Everyone, myself included, is busier, and we want our information more quickly, more condensed and free of endless anecdotes, stories and motivational quotes. Take your idea. Break it down into 10-15 macro topics. Take each of those macro topics and subdivide those into 10-15 sub topics. Each topic will be between 1-2 pages. You're not writing those yet, you're just developing the blueprint for the book.

### **Day 11-15**

#### **Pitch your book.**

Pitch it. Pitch the book to every applicable publisher. My books are for lawyers, so I pitch them to voluntary bar associations. I ask them to publish them for free because I want as many people as possible to read them, and I don't want \$19.95 to get in their way. Order the *Writer's Market* for your phone, which provides a generous list of book agents and publishers and pitch those who are looking for books like yours (*Writer's Digest* will tell you if they are). Nonfiction books are different from fiction book. When you're

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writing a novel, a publisher wants to read the full manuscript. When it comes to nonfiction books, publishers and agents prefer that you're not done with it so they can have input into the final product.

### **Days 16-50**

#### **Write the book.**

Write it. Create a schedule and stick to it. You won't have writer's block. You have a detailed outline on what to write about. You don't have to do much thinking. You just let the words flow out and write. By the way, the book doesn't have to be long. Nonfiction books tend to be too long. Too self congratulatory. Too introspective. Your goal? 150-200 pages. That's more than enough to say what you want to say. Set aside two hours each morning or night and 4-6 hours each weekend. You can write 200 pages in 25 days if you already know what you're going to write about.

### **Days 51-60**

#### **Edit the book.**

Edit, edit and edit.

### **Day 61**

It's done. The book is done. You say you couldn't find a publisher? Well you have a complete book. Send it out to them. They can see the finished project themselves. What, no wants to publish it? You have a word processing document. Turn it into a PDF and send it out for free to your contacts. What, you say? It's not really a book if it's self-published? Only people who've never written a book would say that.

This is my process. I've shaved it down from 60 days to 45 days to 30 days. One book I wrote in 18 days. Why do I do this? Well, like Frost says:

*The woods are lovely, dark and deep*

*But I have promises to keep*

*And miles to go before I sleep*

*And miles to go before I sleep.*

By the way, I asked you how long you think it takes to write 1,000 words? This section of the book is about 1600 words. It took me 25 minutes. Why so little? I knew the subject matter, I was passionate about it, and I didn't let my ego get in the way by making sure I said everything just right. You don't care how I said it. I bet you have two takeaways from this—start with a great idea and write a 1,000-2,000 words a day. If that's all you remember from this, then I did my job as a writer. Now go do yours.

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## How to Write a Poem

Read poetry. Poems take big ideas, big thoughts, big themes, and boils them down to the fewest words possible. When we prepare cases for trial, we all conceive of themes—a catch phrase, a cliché, a song lyric—which encapsulates the whole case. Saying so much in so few words. Poets do that better than anyone. I encourage you to write poetry. Just try it. How? A few tips.

- Explore an idea, concept or thought through words. Think of all the metaphors, similes, analogies and figures of speech you can conceive and write them down. Once you do, explore every phrase and word and manipulate, alter and change them.
- Don't try to rhyme. Don't worry about meter. Focus on the images you're painting with your words.
- Poets paint with words. They explore every color, every shade, every shadow of every word and every combination of words.
- Read poems and try to write the same poem about a different topic.
- Purchase a journal for your poetry.
- Write a poem for a loved one.
- Write poems about your favorite activities.

Many of us have never written poetry. It's odd. It's unusual. It's foreign. Try it. It will expand your thoughts, your perspective, your word choice, your phraseology and your communication.

## How to Write a Short Story

We, as lawyers, tell juries stories. Write a few short stories to better understand the story telling process. A story consists of:

- A protagonist. The central character. Often a character we root for, but sometimes one we despise.
- An antagonist. The counter to the protagonist. The opposing force. The yin to the protagonist's yang. It can be a person. Or a force. Or a reckoning.
- The plot. This is the story. A happens. Then B. Then C. You create conflict, it builds to a crescendo, and you resolve the conflict. If you resolve it in the protagonist's favor, you have created a happy ending, what in classical Greek is called a comedy, and if you resolve it in the antagonist's favor, you have created an unhappy ending, or in other words, a tragedy.
- The setting. Where the story is set.

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- Scenery. The images you create of the various settings in your story.
  - Theme. Like your cases, what's the story's theme? It's central message?
  - Symbolism. Use of metaphors, images and dialogue to say something more.
  - Dialogue. Making conversations powerful, relevant and direct.

With a short story, you have fewer words and fewer pages to develop characters, plot, symbolism and themes. Limit the scope of the story and its timeline, get to the point and hit the end strong. Short stories are akin to trials. Practice writing short stories. It will make you a better story teller when you share your clients' stories with juries.

## How to Write a Novel

Most novels typically fall into one of two categories—character driven and plot driven. Character driven novels focus on one or more characters and their development and evolution over the course of the novel. Plot driven novels focus on events and actions that create conflict, have their share of twists, reach a climax and end in a satisfying resolution. To write a character driven novel, sit down and brainstorm your protagonist. Create a character sketch for him or her and provide as much back ground, as much back story, as much motivation and information and beliefs and feelings and dreams and thoughts this protagonist can have. Once you're done, write about him or her. Write enough, and you have a novel. To write a plot driven novel, think of a beginning and an end that captures the reader's attention and imagination and think through the plot twists that tie the captivating beginning to the captivating ending. In the character driven novel, the plot serves the characters. In the plot driven novel, the characters serve the plot. As with a non-fiction book, prepare an outline so you can make sure the book progresses naturally, understandably, reasonably and cohesively. The outline, set against either your character profile or your major plot points will help you evaluate where the story should go, how best to get there and what tweaks to make so as to create the most satisfying story you can craft.

## How to Write a Fiction Podcast

Podcasts have become popular, and among them, fiction podcasts have taken off, some even being turned into video and streaming series. There are numerous websites that teach you how to record and edit your own podcast, including what equipment to purchase and how to use it. When it comes to the substance of the podcast, writing a fiction podcast is not much different than writing a novel. Two caveats. First, you have to decide over how many

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episodes you want to tell your story. Are you writing a novella, a novel, a short fiction series or a long one? Decide where the story starts, where it ends, and think through the major plot points and character developments. Second, it's audio, so you need to decide if you're going to have a narrator or have the podcast be comprised of entirely dialogue. Most fictional podcasts go with the later, and include sound effects to create scenes. Once you've written the story, cast your characters, record the episodes, edit and share them.

## Getting Your Article Published

There are two steps when writing an article. The first is to write it. The second can be more challenging—to get it published. You can either find a publication, determine what it publishes and write an article that fits within the needs and confines of the publication, or you can simply write whatever article you want to write and then find a home for it. The key to getting your article published is finding a publication that has the audience interested in what you wrote. There are thousands of publications—magazines, newspapers, newsletters, blogs, websites, etc.—thirsty for copy. Odds are you'll find someone willing and able to publish your article. The bigger issue is getting your article published in a premier publication. For those, you'll want to start by getting published in second and third tier publications and leverage those articles to show first tier publications that you can write, edit and get published. And the more you write, and the more you get published, the better writer you will become and the more confident you will be when writing and pitching your writing.



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## Getting Your Book Published

How you get your book published depends on your book. A novel, a general business book or a law-centered book are all very different products and each has a different path to getting published. For a novel, you generally need a full manuscript. Then you pitch literary agents and publishers. How? There are multiple books and online sources that provide you the names, contact information and submission guidelines for literary agents and publishers who work with first time novelists. They explain what genres they work with and what they expect in their submission packages. If it's a general business or non-fiction book, the process is similar, with the exception that you generally don't have to have a completed manuscript. And if it's a legal publication, you generally work closely with a legal publisher to ensure your book serves their members' needs and covers the subject matter in a way that best serves those needs. For all three types of books, the publisher will want to know the scope and size of your platform—your online presence that will serve to market and sell your book. The larger your platform, the more engaged folks are on your platform, the more folks on your platform who are the type to purchase your book, the easier it is to get your book published.

## Landing a Book Deal

I've had the privilege to speak with multiple literary agents. They all have told me the same thing. You need a robust platform to land a book deal. Gone are the days literary agents plucked writers from obscurity and gave them million dollar book deals. If you don't have a large, robust platform, with lots of engaged followers, the odds of landing a book deal are slim. I'm not saying they're non-existent, but without a strong platform, you have a tough road to hoe. The platform precedes the book. Start with your own personal website where you can track and share analytics with literary agents and publishers. Choose one or more social media platforms, and develop a large active following. Literary agents will take notice. In fact, right now, at this very moment, there are literary agents searching out prospective authors with large platforms and preemptively reaching out to them to sign them up for book deals.

## Self Publishing

There once was a stigma with self publishing. Self published books were perceived as second tier books, books that weren't good enough to find a publisher. That stigma has largely dissipated. More and more, authors are going the self publishing route to speed up the publishing process and retain more of the book's proceeds. With publishing houses spending

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less on marketing and relying more on authors to market their own books, some authors figure that since the marketing efforts will fall largely on their shoulders, why not self publish to retain more of their book's profits? I've seen many lawyers self publish business books, law books and even novels. There are software platforms that help you edit, type set and format your books and there are self publishing houses that will print your books on demand or make them available as e-books. If you're writing a specialized book to attract potential clients, for example, self publishing may be the best route. You can get your book out faster, on your terms and put it in the hands of those who may refer you business.

## **Marketing Your Writing**

Once you've written an article or book, push it out through your platform. Share it on your firm and personal website. Post it on social media. Send it to those on your e-mail groups. Create a platform. Create a following. Push out your work to your following. Seek out others who have similar platforms and following and ask if they'll do the same for you.

## **Building a Brand**

Understand each of us has a brand and everything we write builds or distracts from that brand. When writing articles and books, think about your brand and how your writings are affecting it. If you specialize in cyber security, write articles and books on the topic. If you want to venture into fiction, consider science fiction involving cyber security. Play to your strengths and write what others expect you to write.

## **Building a Platform**

Getting published and increasing sales of your books depends on your platform. To build a platform, do the following:

- Create a personal website. There are inexpensive platforms, such as Wix and WordPress, with website templates that will provide you the tools to create a stunning, professional looking website. Your personal website will track analytics which prospective agents and publishers will want to see when evaluating whether to offer you a book deal.
- Blog. On your personal website, blog regularly.
- Create a social media following. Pick one or two social media platforms, create a profile on them and become active on them.
- Create a subscription e-mail-based newsletter.

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The purpose of a platform is to create a following, a large and engaged one, that will buy and read your books.

## **Building a Media Empire**

Think beyond your platform and your publications. The more you write, the more you will be asked to speak, teach and share. The more you will be in demand. The more others will want you to share your thoughts, ideas and insights. You can build on your publications and use them as the foundation for a media empire which includes public speaking engagements, online webinars, individual and group training and education sessions, online courses, etc. What you do is only limited by your imagination.

## **Appendix**

So, what should you write about? You say the imagination cupboard is bare? Here are topics for articles for your clients:

- Surviving Your Deposition
- You've Been Sued—Now What?
- What to Expect at Mediation
- What to Expect at Trial
- How Do Judges Rule
- Working Together to Resolve Your Case
- Our Judicial System
- How to Avoid Lawsuits
- Your Role in a Lawsuit
- Defining a Win in Your Case
- What's Alternative Dispute Resolution?
- What Are the Stages of Litigation?
- How to Avoid Surprises in Your Case
- What's Electronic Discovery?

