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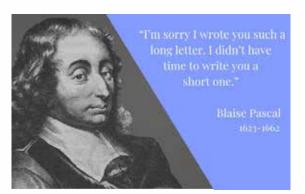# Southeast Bankruptcy Workshop

Skills: Legal Writing and Mentoring

Prof. Alexa Chew
University of North Carolina at Chapel Hill | Chapel Hill, N.C.

2025

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SOUTHEAST
Bankruptcy Workshop

The Ritz-Carlton, Amelia Island
Amelia Island, Florida

Writing Workshop:
Say More with
Less

Professor Alexa Chew

University of North Carolina
School of Law

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Why might judges want concise writing?

Why might writers want to write concisely?

What are some obstacles to writing concisely?

Obstacles to Brevity

"I'm sorry I wrote you such a long letter. I didn't have time to write you a short one."

Blaise Pascal
1623-1662

Cuts by Size
- **Big cuts:** sections, paragraphs
- **Medium cuts:** sentences
- **Small cuts:** words, phrases

Transformations
- Change words into different words or a visualization

Things to Cut
- Redundancies
- Tangents
- Unnecessary support
- "Needless words"

Things to Transform
- Phrase → word
- Description → visualization

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Big Cuts: Sections, Paragraphs

- Redundancies
  - Making the same point in multiple places
- Tangents
  - Saying things that aren't central to your points
- Unnecessary support
  - Long descriptions of law that you don't need

How to Make Big Cuts

- From an outline
- Including a reverse outline!

What is a reverse outline? It's an outline that you make of a document that you've already written. Write a one sentence summary for each paragraph.

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Medium Cuts: Sentences

- Redundancies
  - Repeating information
- Tangents
  - Saying things that aren't central to the paragraph
- Unnecessary support
  - Citations to authority that you don't need

How to Make Medium Cuts

- Look at each sentence in a paragraph, including citation sentences!

In love with a paragraph? It's hard to cut up a passage that you wrote and like. Get some distance by making each sentence its own bullet point.

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Small Cuts: Phrases & Words

- Redundancies
  - Repeating information
- Tangents
  - Especially asides, parenthetical thoughts
- "Needless words"
  - So hard to define, but there are easy wins

How to Make Small Cuts

- Look at each sentence on its own and ask if each word or phrase is necessary.

Where do I find "needless words"? There's a list in your handout. But look especially at introductory clauses (beginning of sentences).

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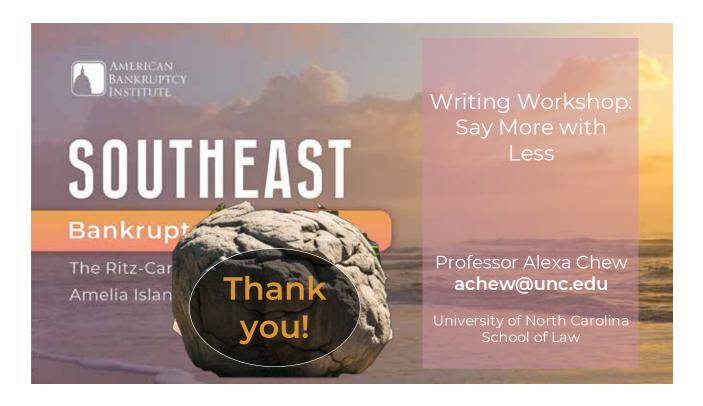
Transformations

- Make different words
  - Usually fewer of them
- Make pictures
  - Maps, photos, timelines
- Make charts or tables
  - Timelines, comparisons

How to Transform Words

- Look for phrases that could be a word (but a word people know, not a thesaurus word)
- Find boring descriptions of things that would be easier to grasp visually. Some examples are in the handout.

Presentation Handout

This handout accompanies the writing workshop held on July 25, 2025, at the ABI Southeast Bankruptcy Workshop. It provides a summary of the concepts covered in the session as well as writing exercises to complete during the session. I hope that the handout will be a useful resource to you after the workshop is over!

You can access a digital version of this handout using this QR code →

About the Author: I am a Clinical Professor at the University of North Carolina School of Law and have been teaching legal writing and research courses to law students since 2010. I have co-authored two textbooks: *The Complete Legal Writer* (2nd ed. 2020) and *The Complete Bar Writer* (2020), both with Katie Rose Guest Pryal. I also write scholarly articles about legal citation, legal education, and legal style. You can reach me at achew@unc.edu.

Overview

In this workshop, we'll discuss the importance of writing concisely and talk through some strategies for saying what you need to say but with fewer words. First, we'll talk about **cutting words** from a draft document, starting with big cuts (chopping entire sections or paragraphs) and progressing to medium cuts (sentences) and small cuts (words, phrases). Second, we'll talk about **transforming words** in a draft document—instead of cutting the words out altogether, these words will instead transform into either fewer words or a visual.

When cutting words, we're looking for

- **Redundancies**: saying the same thing multiple times (without a good reason)

- **Tangents**: saying things that aren't central to your points

- **Unnecessary support**: citing or describing law that goes beyond what you need to provide authority for your points

- **Needless words**: a catchall category borrowed from Strunk & White's *Elements of Style*, which advises writers to "omit needless words." In today's context, these are words and phrases that can be cut without losing meaning.

When transforming words into other words or visuals, we're looking for

- Phrases that can become single words (or at least shorter phrases)

- Descriptions that can become visuals (like charts, diagrams, or photos)

Strategy 1: Big Cuts (Sections and Paragraphs)

During the revision process, it's usually most efficient to start with your large-scale organization. Move big chunks of text around or delete big chunks of text before finessing the remaining paragraphs and sentences. If you perfect your sentences first, then you might need to redo that work if you change the order around later.

When making big cuts—cuts at the section or paragraph level—use an outline to find redundancies, tangents, and unnecessary support. If you've already written a draft (great!) then check the structure of that draft by making a reverse outline. A **reverse outline** is an outline made from an existing document, as opposed to a regular outline, which maps out a document that has yet to be written. Make a simple reverse outline by (1) keeping any headings and (2) reducing each paragraph to a sentence or phrase that summarizes it.

Below are two reverse outlines, one non-legal example (a recipe) and one legal example (fake-case sanction order). Each numbered line in the outline represents one paragraph. **For each exercise, you have to cut at least two of the paragraphs entirely**. Which two could you cut without losing the purpose of each document?

Exercise 1A: Big Cuts to a Recipe Blog Post

- Purpose: teach people how to make excellent basmati rice in an Instant Pot
- Audience: people who have found the blog entry by searching for "how to make good basmati rice in an instant pot"

Reverse Outline of Recipe Blog: How to Make Excellent Basmati Rice in an Instant Pot[1]

1. Making basmati rice in an instant pot can be hard, describes bad rice examples

2. Reasons why you should want to make basmati rice at all

3. Reasons why you should want make basmati rice in an instant pot

4. Benefits of soaking rice before cooking it

5. How to measure, rinse, and soak the rice

6. How to measure water, oil, and salt and add it with the soaked rice to the Instant Pot

7. How to set the Instant Pot timer and pressure setting to cook the ingredients

8. Examples of ways to use cooked basmati rice

Bonus question: Would you cut different paragraphs if the purpose of the blog post were to convince people to use their instant pot more? Or to convince people to switch to basmati rice?

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[1] Loosely adapted from Ashley Singh, *Perfect Instant Pot Basmati Rice*, My Heart Beets, https://myheartbeets.com/perfect-instant-pot-basmati-rice/ (this recipe works really well!)

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Exercise 1B: Big Cuts to a Trial Court Order[2]

- Purpose: explain a trial court's reasoning for sanctioning attorneys who filed a brief containing fake cases (hallucinated by generative AI)
- Audience: the sanctioned attorneys, opposing counsel

Reverse Outline: Order Sanctioning Attorneys for Filing Trial Brief with Fake Cases

1. *Background*. Three attorneys signed a brief citing 9 cases, 8 of which were hallucinations (i.e., "fake" cases): brief was written by an associate, but supervising partner and local counsel signed the brief without reviewing it first

2. *Background*. Describes how associate used generative AI tool to write the "law" part of the brief by asking it for state cases supporting her client's position, including a bulleted list of the specific prompts.

3. *Background*. Associate included the generative AI results into her brief without first checking whether the cases were real, which they were not.

4. *Law*. Describes appellate court standard of review for trial court imposition of sanctions under Rule 11(b)

5. *Law*. Block quote of Rule 11(b) + SCOTUS quote that when an attorney signs a legal document, they certify that they read it and reasonably inquired into law and facts

6. *Law*. Describes first step to determine if sanctions are warranted: does the filing violate Rule 11?

7. *Law*. Explains that "fake opinions" are not real law by describing Mata case

8. *Background*. Supervising partner and local counsel did not review the brief, and they gave their permission to associate to sign their names to the brief.

9. *Law*. Explains that when an attorney signs a legal document, they certify that they read it and conducted a reasonable inquiry into the existing law and that signing someone else's brief without reading it first violates Rule 11

10. *Law*. Explains that an attorney can violate Rule 11 when they give permission to another attorney to sign their name or if they know another attorney regularly signs their name and hasn't stopped that behavior.

11. *Law*. Signing a motion or filing without inspecting the law first violates Rule 11.

12. *Application*. Here, both the supervising partner and local counsel violated Rule 11(b)(2) by not reviewing the brief to determine if it was supported by real law.

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[2] Adapted from Order on Sanctions and Other Disciplinary Action, *Wadsworth v. Walmart Inc*., Case No. 2:23-CV-118-KHR (February 24, 2025, D. Wy.)

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Strategy 2: Medium Cuts (Sentences & Citations)

Once you know what paragraphs you want to keep, it's time to trim those paragraphs. Although it's tempting to cut bits and pieces from sentences, first try to axe entire sentences. Even if you eventually bring bits of them back, you can build up your editing discipline by initially being ruthless.

For each paragraph, scan for

- Redundancies: sentences that repeat information already stated in a prior sentence
- Tangents: sentences that say things that aren't central to *that paragraph*
- Unnecessary support: citations that you don't need to prove what the law is

A tip for writers who are attached to their paragraphs:

Sometimes (often?) paragraphs that we've already written look so nice that our minds are loathe to cut them apart. We identify with our words. Cutting our paragraphs is cutting ourselves. Sidestep this mental drama by changing the way the paragraph looks before you try to edit it: put each sentence on its own line, keeping any citations with the sentences they support.

The exercises on the next pages use this strategy. The numbered list contains the same sentences as the regular looking paragraph. If you haven't tried the numbered-list strategy, this is the perfect opportunity.

Exercise 2A: Medium Cuts to a Recipe Paragraph

The point of paragraph is well stated by sentence #1: soaking rice before cooking improves its texture. **Choose two other sentences to cut from the paragraph.** You might find it easier to use the numbered version of the paragraph.

> Soaking rice before cooking improves its texture by keeping the grains intact and preventing them from sticking together. When rice is soaked in water, the fragile grains have time to absorb moisture gradually, which helps soften them and make them more flexible, reducing the likelihood of the grains breaking apart during cooking. When rice is not soaked, the grains stay dry and fragile, and fragile grains can easily break apart during cooking. The surface of dry rice is covered in starch that can cause the rice to become sticky or mushy if it is not first removed. Sticky or mushy rice is an undesirable outcome for basmati rice, where lightness and individual grain separation are key to its appeal. Soaking rice before cooking it helps to remove the excess surface starch. By allowing the rice to soak, not only do you achieve a better texture, but you also shorten the cooking time, as the pre-soaked grains require less heat to reach doneness. Therefore, soaking rice before cooking offers a variety of benefits that enhance both the texture and overall quality of the final dish.

Same paragraph but broken up into a list:

1. Soaking rice before cooking improves its texture by keeping the grains intact and preventing them from sticking together.

2. When rice is soaked in water, the fragile grains have time to absorb moisture gradually, which helps soften them and make them more flexible, reducing the likelihood of the grains breaking apart during cooking.

3. When rice is not soaked, the grains stay dry and fragile, and fragile grains can easily break apart during cooking.

4. The surface of dry rice is covered in starch that can cause the rice to become sticky or mushy if it is not first removed.

5. Sticky or mushy rice is an undesirable outcome for basmati rice, where lightness and individual grain separation are key to its appeal.

6. Soaking rice before cooking it helps to remove the excess surface starch.

7. By allowing the rice to soak, not only do you achieve a better texture, but you also shorten the cooking time, as the pre-soaked grains require less heat to reach doneness.

8. Therefore, soaking rice before cooking offers a variety of benefits that enhance both the texture and overall quality of the final dish.

Exercise 2B: Medium Cuts to a Law Paragraph

Below is a paragraph loosely adapted from a trial court opinion. The point of the paragraph is to describe the trial standard for a motion for judgment on the pleadings for a case in which the standard is not at issue. Assume that all of the law cited is correct. **You must strike out two case citations from the paragraphs.** Which do you cut?

> A motion for judgment on the pleadings is governed by Federal Rule of Civil Procedure 12(c), made applicable in adversary proceedings by Federal Rule of Bankruptcy Procedure 7012(b). The Court may grant judgment on the pleadings when "there are no material facts in dispute and the moving party is entitled to judgment as a matter of law." *Cannon v. City of W. Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001); *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1335 (11th Cir. 2014). In reviewing a motion for judgment on the pleadings, the Court "accept[s] as true all material facts alleged in the non-moving party's pleading, and … view[s] those facts in the light most favorable to the non-moving party." *Perez*, 774 F.3d at 1335; *see also Cline v. Tolliver*, 434 Fed. App'x 823, 825 (11th Cir. 2011) (citing *Iqbal*, 556 U.S. at 678) ("Under that standard, we must take the factual allegations of the complaint as true and make all reasonable inferences from those facts to determine whether the complaint states a claim that is plausible on its face.").However, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Iqbal*, 556 U.S. at 678. Similarly, the Court need not accept as true a legal conclusion "couched as a factual allegation." *Id*. "If a comparison of the averments in the competing pleadings reveals a material dispute of fact, judgment on the pleadings must be denied." *Perez*, 774 F.3d at 1335.

N.B. The first string cite includes references to *Cannon* and *Perez*. The relevant portions of each case are restated below:

- *Cannon v. City of W. Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001): We review a judgment on the pleadings de novo. *See e.g., Mergens v. Dreyfoos*, 166 F.3d 1114, 1116–17 (11th Cir. 1999). Judgment on the pleadings is appropriate where there are no material facts in dispute and the moving party is entitled to judgment as a matter of law. *Id*. at 1117.

- *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1335 (11th Cir. 2014): We review de novo an order granting judgment on the pleadings. *Cannon v. City of W. Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001). "Judgment on the pleadings is appropriate where there are no material facts in dispute and the moving party is entitled to judgment as a matter of law." *Id*.

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The same paragraph, but broken out into a numbered list, with each sentence starting on its own line:

1. A motion for judgment on the pleadings is governed by Federal Rule of Civil Procedure 12(c), made applicable in adversary proceedings by Federal Rule of Bankruptcy Procedure 7012(b).

2. The Court may grant judgment on the pleadings when "there are no material facts in dispute and the moving party is entitled to judgment as a matter of law." *Cannon v. City of W. Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001); *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1335 (11th Cir. 2014).

3. In reviewing a motion for judgment on the pleadings, the Court "accept[s] as true all material facts alleged in the non-moving party's pleading, and … view[s] those facts in the light most favorable to the non-moving party." *Perez*, 774 F.3d at 1335; *see also Cline v. Tolliver*, 434 Fed. App'x 823, 825 (11th Cir. 2011) (citing *Iqbal*, 556 U.S. at 678) ("Under that standard, we must take the factual allegations of the complaint as true and make all reasonable inferences from those facts to determine whether the complaint states a claim that is plausible on its face.").

4. However, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Iqbal*, 556 U.S. at 678.

5. Similarly, the Court need not accept as true a legal conclusion "couched as a factual allegation." *Id*.

6. "If a comparison of the averments in the competing pleadings reveals a material dispute of fact, judgment on the pleadings must be denied." *Perez*, 774 F.3d at 1335.

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- *Cannon v. City of W. Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001): We review a judgment on the pleadings de novo. *See e.g., Mergens v. Dreyfoos*, 166 F.3d 1114, 1116–17 (11th Cir. 1999). Judgment on the pleadings is appropriate where there are no material facts in dispute and the moving party is entitled to judgment as a matter of law. *Id*. at 1117.

- *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1335 (11th Cir. 2014): We review de novo an order granting judgment on the pleadings. *Cannon v. City of W. Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001). "Judgment on the pleadings is appropriate where there are no material facts in dispute and the moving party is entitled to judgment as a matter of law." *Id*.

Strategy 3: Small Cuts (Words and Phrases)

If you've reached the end stages of editing a document or you're looking for some quick cuts that don't require much thinking, look for these words and phrases. Often you can simply delete these, especially when they're at the beginning of a sentence. No substitutions are needed.

This list is not exhaustive, but it's a start:

- It is important to note
- In order to
- Needless to say
- The court in [case cited at the end of the sentence] held that
- Clearly
- Intensifiers like really, quite, very

Exercise 3: Strike Through Needless Words

Read the paragraph below and **strike through at least ten words**. Don't replace them with new words, although you can fix capitalization as needed.

The Visual Artists Rights Act (VARA) is a statute that gives the "author of a work of visual art" the right "to prevent any destruction of a work of recognized stature." 17 U.S.C. § 106A(a)(3). It is important to note that protection is limited to "works of visual art," defined by statute in both the positive and the negative. 17 U.S.C. § 101 (defining "work of visual art"). The positive definition includes paintings, sculptures, and other usual suspects. *Id*. The negative definition excludes a very important category of art: applied art. *Id*. The U.S. Court of Appeals for the Ninth Circuit has held that an object is "applied art" when it "initially served a utilitarian function and the object continues to serve such a function after the artist made embellishments or alterations to it." *Cheffins v. Stewart*, 825 F.3d 588, 594 (9th Cir. 2016). The Ninth Circuit explained that, under this test, a functional object that "continues to serve a practical purpose" is applied art, whether if it was originally formulated with a decorative design or the decoration was added afterwards. *Id*.

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Strategy 4: Small Transformations (Phrases to Words)

This strategy is similar to—but not the same as—the last one. The last strategy helped you find words to delete, but this one helps you find groups of words that can be substituted for a single word. The overall result will be fewer words, but the way we get there is by transforming a group of words into a single word.

This list of small transformations is also not exhaustive, and it includes some ideas from Ross Guberman[3] and Judge Robert Bacharach[4]:

- Causal relationships
    - Due to the fact that → because
    - Despite the fact that → though or although
    - In the event that → if
    - Pursuant to → under
- Time relationships
    - Prior to → before
    - Subsequent to → after
- Nominalizations
    - Make an appearance → appear
    - Be in attendance → attend
    - Effectuate service → serve
    - Initiate a lawsuit against → sue
    - Put on a performance → perform
- Citations
    - (quoting *Party v. Party*, 123 F.3d 45, 67 (14th Cir. 2000) → (citation omitted)[5]
    - Omit parallel citations unless required by your court or office
- Quotations
    - Swap out a long quotation for a shorter paraphrase[6]
- Grab bag
    - Assuming arguendo or assuming for the sake of argument → even if
    - Is not required to → need not
    - In the present case or in the case at bar → here

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[3] Ross Guberman, *A Dozen Words and Phrases to Doubt*, Michigan B.J., July 26, 2017, https://www.michbar.org/file/barjournal/article/documents/pdf4article3168.pdf

[4] Robert E. Bacharach, *Legal Writing: A Judge's Perspective on the Science and Rhetoric of the Written Word*. 111-13 (ABA 2020).

[5] For more on this strategy, see Alexa Z. Chew, *Stylish Legal Citation*, 71 Ark. L. Rev. 823, 868-72 (2019), https://scholarship.law.unc.edu/working_papers/3/

[6] For more on this strategy, see Michael A. Blasie, *Use Quotations to Make a Point*, Colorado Lawyer (March 2019), https://www.cobar.org/Portals/COBAR/TCL/2019/March/CL_Dept_MLW.pdf?ver=2019-02-18-121935-950&timestamp=1550521555871

Strategy 5: Visual Transformations

This final strategy asks you to consider whether any of your lengthy descriptions might be better understood as visuals. This workshop won't cover how to implement this strategy, but I leave it here for your consideration. Examples of big, visual transformations that can be made in Word include tables, charts, and timelines.

I like this example from bankruptcy judge David Thuma (*In re Snyder*, 509 B.R. 945, 952-53 (Bkrtcy D.N.M. 2014). Instead of describing how a large number of factors weighed for each party, he put it into a chart that lets the reader quickly see which factors favor which side:

Factor	Indicates good faith	Indicates bad faith	Comment
Did debtor manipulations frustrate a particular creditor?	X		Debtor did not engage in any manipulations.
Any attempt to pay creditors?	X		Debtor made no attempt to pay Movant but has otherwise always paid his creditors.
Did Debtor fail to make significant lifestyle changes?	X		Debtor lives a modest lifestyle.
Could debtor pay substantial portion of debts?		X	Could pay Movant over 3–5 years.
Did debtor inflate expenses to disguise financial well-being?		X	Debtor's Schedule J is based on historical information, resulting in higher expenses than current expenses. The schedule was prepared on advice of counsel.
Is debtor overutilizing the Code to the detriment of creditors?	X		This is Debtor's first case. He is not overutilizing the Bankruptcy Code.
Did debtor reduce his creditors to a single creditor in the months prior to filing his petition?	X		Debtor had few creditors before Movant's judgment.
Did debtor file the case in response to a judgment?		X	Specifically, Debtor filed the case in response to the wage garnishment.
Is it unfair to use Chapter 7?	X		All things considered, the answer is no.
Is debtor paying debts to insiders?	X		No. Debtor borrowed from family to pay shortfall when his Missouri house sold; they were repaid more than 12 months pre-petition.
Did debtor transfer assets?	X		No evidence of asset transfers.
Did debtor employ a deliberate and persistent pattern of evading a single major creditor?	X		No evidence Debtor "evaded" Movant—he never paid Movant because he did not believe debt was justly due.
Did debtor fail to make candid and full disclosure?	X		Debtor's omission of wife's jewelry and his Schedule J expenses were both done on counsel's advice, with reasonable grounds.
Are debts are modest in relation to assets and income?	X		Debtor did not overextend himself. Debt to creditor arose because of firing.
Were there multiple bankruptcy filings or other procedural gymnastics?	X		No prior bankruptcy filings or other procedural gymnastics.

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Faculty

Prof. Alexa Chew is an award-winning professor of law at the University of North Carolina School of Law in Chapel Hill, N.C. She joined the faculty in 2012 and teaches research, reasoning, writing and advocacy (RRWA) I, RRWA II and writing for practice. Prof. Chew has written two legal-writing textbooks, *The Complete Legal Writer* and *The Complete Bar Writer,* and has written or co-written four articles about legal citation: "Citation Literacy," "Stylish Legal Citation," "Citation Stickiness" and "Citation Stickiness, Computer-Assisted Legal Research, and the Universe of Thinkable Thoughts." She frequently presents her work at legal writing conferences. *Carolina Law* awarded Prof. Chew the Robert G. Byrd Award for Excellence and Creativity in Teaching in 2015 and the Charles E. Daye Award for Excellence in Faculty Service in 2017. In 2022, the University of North Carolina selected her for a Distinguished Teaching Award for Post-Baccalaureate Instruction. Following law school, Prof. Chew practiced corporate law in Boston at Bingham McCutchen LLP. She later returned to North Carolina as a law clerk for Hon. Rick Elmore at the North Carolina Court of Appeals, where she served for six years. Before joining the faculty at UNC, Prof. Chew taught legal research and writing at Campbell University School of Law. She is licensed to practice law in North Carolina and Massachusetts (inactive). Prof. Chew earned her A.B. with honors from Princeton University in ecology and evolutionary biology, and her J.D. from Duke University School of Law, where she was a member of the *Duke Law Journal* and the Asian Law Students Association.