

# Anthony Lewis – a role model

By Janyce C. Katz

Anthony Lewis, the two-time Pulitzer Prize winner and former *New York Times* journalist, died on March 25, 2013, just a little over fifty years from the date the Supreme Court decided, *Gideon v. Wainwright*, 372 U.S.335 (1963), the case memorialized in his best-known book, *Gideon's Trumpet*, (1965, republished by Random House, 2011).

Lewis's clear, eloquent style of writing, and his ability to convey his knowledge of the law allowed him to write articles about cases that made the facts and law of the case come alive. In his hands, law became interesting and understandable to non-lawyers. His analysis of legal issues and cases went beyond news articles. Besides *Gideon's Trumpet*, he traced the history of the First Amendment in two other books, *Make No Law: The Sullivan Case and the First Amendment* (1991, First Vintage Books), and *Freedom for the Thought We Hate* (2007, Basic Books). He traced the history of the civil rights movement in *Portrait of a Decade: The Second American Revolution* (1964, Random House), and wrote a children's book explaining how the U.S. Supreme Court works.

In addition to his books, he authored law review articles analyzing constitutional issues. From 1970 until 2001, the *New York Times* ran his Op Ed column, "Abroad at Home." He was knowledgeable about art, culture and politics and wrote extensively about those subjects especially when he was London Bureau Chief for the *New York Times*.)

Lewis could explain a case so the average newspaper reader could understand the issues, and he could describe why, at least in his opinion, the result of a legal action was significant. One significant example is the case against Abraham Chasanow, a civilian employee of the Navy who was dismissed from a position he had held for twenty-three years, based on complaints of anonymous sources.

Lewis's articles in the then-existing *Washington Daily News* described the Navy's charges against Chasanow, that he attended a party to raise money for victims of the Spanish Civil War and that his leadership in an organization in a Washington, D.C. suburb in which he lived, meant he was leading radical groups. Chasanow, a lawyer, was not given a fair chance to confront the charges. Lewis's articles and other publicity on the decision to fire Chasanow led not only to the Navy's decision to reverse the dismissal, but to an apology to Chasanow. The Heywood Broun Award of the American Newspapers Guild in 1954 and Lewis's first Pulitzer Prize in 1955 were awarded to Lewis for his series on Chasanow.

The second Pulitzer Prize came to Lewis in 1963, based upon his reporting on the Supreme Court case *Baker v. Carr*, 369 U.S. 186 (1962) that held redistricting was a justiciable, not a political issue. As a side note, in footnote 27 of the *Baker* opinion, the

Supreme Court cited a Harvard Law Review article of Lewis's on redistricting.

In 1991, when President Clinton awarded Lewis the President's Citizen's Medal, the citation on the medal summed up Lewis's career not only as a journalist, but as an advocate for the constitution. The citation described Lewis as a "staunch defender of freedom of speech, individual rights and rule of law," and a "clear and courageous voice for democracy and justice."

In the days following his death, writers noted that Lewis had revolutionized the manner in which journalists reported cases and legal issues. Nina Totenberg from NPR, Lyle Denniston from the *Baltimore Sun*, and Jeffrey Toobin, *The New Yorker* and CNN, have used a similar journalistic style to inform the general public about legal issues, conveying to them the importance of an issue, case or law. Laurence Leamer, a journalist writing for magazines (*New York Times Magazine*, and *Newsweek*) used a style similar to turn a case against Don Blankenship into a book as exciting and well-written as any spy novel or murder mystery. (Blankenship, former head of Massey Energy, purchased the vote of a West Virginia Supreme Court Justice.) *The Price of Justice: A True Story of Greed and Corruption* (2013, Times Books, Henry Holt and Company, New York).

The clear writing style that Lewis brought to describing cases and law in newspapers has also impacted on the way lawyers write legal briefs. Compare what was a standard style in a brief to today, where the best briefs are written so a non-lawyer can understand the argument, the law, and the facts.

Legal writing experts stress clarity, something in which Lewis excelled. To name one famous example, Bryan A. Garner, the editor of *Black's Law Dictionary*, joined Supreme Court Justice Anton Scalia as author of several books advising lawyers how to make briefs and arguments in courts clearer and more understandable. In his article in the August 2013 ABA Journal, "Grinding the Ax for Clarity," Garner describes his involvement in the process of redrafting the Appellate Rules, Criminal Rules and Rules of Civil Procedure as part of a special subcommittee of the U.S. Judicial Committee on Rules of Practice and Procedure. The goal of the subcommittee was making the rules clearer, easier to understand, and easier to follow.

Lewis's decidedly "liberal" point of view, his description of the Warren Court's cases that opened doors and solidified rights for the underdogs of society, were not popular with everyone during his life. Former Secretary of State Henry Kissinger is reported to have said that everything Lewis wrote was wrong.

In our decidedly more conservative era, would Lewis have still been awarded two Pulitzer prizes for his articles about cases? Certainly, the worldview during the times of the Warren Court allowed Lewis's ideas to flourish. That era gave birth to civil rights and expanded constitutional protections for many.

Lewis left a legacy of clear writing that allows anyone who can read to understand the thoughts of the writer. This style of writing should be celebrated, whether or not one agrees with the opinion of the author. Lewis immersed himself in the law, knew it backwards and forwards, and then was able to explain a case in a clear, concise, interesting manner. His lyrical style as well as his worldview is captured in a few sentences from his obituary for Abraham Chasanow, in an "Abroad at Home" opinion published in the *New York Times* on June 15, 1989. "Any society, however committed to law, has to be reminded again and again that it is deadly to reach conclusions with secret, untested evidence. \* \* \* In secrecy, there cannot be truth."

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# A QUICK REFERENCE GUIDE

## to Citations in the Supreme Court of Ohio Writing Manual

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The Supreme Court of Ohio Writing Manual ("Writing Manual") was adopted and released by the Ohio Supreme Court in 2011 (effective January 1, 2012) as a comprehensive guide for its use in writing judicial opinions. It was updated as a second edition in 2013. The proposed citation formats contained in the Writing Manual are based on several factors, including whether the judicial decision was issued before or after May 1, 2002, whether the decision was published in an official reporter, and whether a WebCite is available. The Writing Manual also has several new changes to citation formats including the identification of district courts and, perhaps the biggest change, placing the date of the decision at the end of the citation.

Although not mandatory for lower court judges and lawyers, the Ohio Supreme Court strongly encourages the use of the Writing Manual for writing opinions and briefs in Ohio courts. The committee drafting the Writing Manual produced an excellent, easy-to-follow guidebook that provides detailed instructions and examples of almost every citation used by judges and attorneys. It also provides writing tips, a listing of commonly used abbreviations, and guidance on structuring opinions. Every Ohio practitioner should keep a copy of the Writing Manual in their personal library for drafting assistance. We reference the Writing Manual for every brief, pleading, and legal memorandum we write.

Because of its comprehensiveness and the number of citation illustrations contained in the Writing Manual, we found ourselves constantly flipping back and forth between self-tabbed pages. As a solution, we created the following one-page summary of citation formats as a quick reference tool for the more common Ohio citation formats. It has become an invaluable, time-saving tool to our legal practice and has helped us be more consistent in writing opinions and briefs.

We have attached the reference guide to this article. Please feel free to use it. As a disclaimer, the Writing Manual is very comprehensive and the attached summary of citation formats only skims the surface of the Writing Manual's guidance and direction. Please make sure you reference the actual Writing Manual as the final authority on submitting filings in Ohio courts. The entire Writing Manual can be viewed online here: <http://www.supremecourt.ohio.gov/ROD/manual.pdf>.



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