

Joseph Kimble

School: Cooley Law School

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General Background:

I taught legal writing and drafting for 30 years and have given more than 175 presentations and seminars worldwide. In the past several years, I have been writing about legal interpretation. I was the drafting consultant on the projects to rewrite (“restyle”) the Federal Rules of Civil Procedure, Federal Rules of Evidence, and Federal Rules of Bankruptcy Procedure.

Areas of scholarly interest consistent with the purpose of the grant program:¹

I have a well-known interest in plain legal language and have written and spoken extensively on that subject. My current interest is legal interpretation, textualism, and canons of construction.

A representative list of scholarship:

A representative list appears on my CV. I have published three books and dozens of articles. Below are five recent ones on legal interpretation. All are available at <https://ssrn.com/author=624332>.

- *Dictionary Diving in the Courts: A Shaky Grab for Ordinary Meaning*, 22 J. App. Prac. & Process 209 (2002).
- *Deep in the Weeds of Textualism*, Green Bag 2d, Summer 2018, at 297.
- *How Lockhart Should Have Been Decided (Canons Are Not the Key)*, Judicature, Winter 2017, at 40.
- *What the Michigan Supreme Court Wrought in the Name of Textualism and Plain Meaning: A Student of Cases Overruled, 2000–2015*, 62 Wayne L. Rev. 347 (2017)
- *Ejusdem Generis: What Is It Good For?*, Judicature, Summer 2016, at 48.

Ideas for programming Distinguished Speaker might offer a host school, including potential topics and target audiences:

¹ The ALWD Distinguished Speaker Series grants (formerly known as the Visiting Scholars grants) are intended to further support, strengthen, and encourage scholarship focusing on the study and practice of professional legal writing.

I can offer two programs. A school could combine them if it likes. For instance, we could do an all-school lecture (program 1), followed by one or two classroom sessions focused entirely on drafting (program 2).

(1) “Taking Stock of Textualism.” I would discuss my empirical research into the kinds of results that textualism produces; the language at issue in certain U.S. Supreme Court cases; several commonly applied canons (last antecedent, serial qualifier, *ejusdem generis*, surplusage, others); and how to avoid ambiguous drafting in the first place. (Audience: faculty and students. Time: 1-2 hours.)

(2) “Lessons in Drafting from the Federal Court Rules.” Since 1999, I have been a drafting consultant on all federal court rules (civil, criminal, appellate, bankruptcy, and evidence), so I have a collection of good, useful, revealing real-world examples. What more, Bryan Garner and I have written a book called *Essentials for Clear Legal Drafting* that collects and organizes a host of these examples. It will be available for free download in 2024. I would use examples from the book to teach especially important principles and techniques. (Audience: students. Time: 2-3 hours; could be longer.)

In no more than 300 words, describe why a host school should consider you as a Distinguished Speaker:

Clear legal drafting has, of course, always been the goal of writing teachers. But the rise of textualism (for better or worse) has raised the stakes. Lawyers and law students must know the canons of construction and how to avoid ambiguity in drafting. My programs will help to accomplish those ends. All the data and case studies and drafting examples are from the highest reaches of our profession.

Times during the academic year that I would prefer to visit:

I’m available all year. But I spend June through November in Michigan, and December through May in Arizona, so you might consider a time when I’m closer to your school.

Joseph Kimble

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kimblewritingseminars.com

- Employment** Professor, Thomas Cooley Law School, 1984–2014 (now Distinguished Professor Emeritus)
Chair, Research & Writing Department, 1996–2011
Taught legal writing, legal research, and legal drafting
Associate, Gault, Davison, Bowers & Hill, Flint, 1981–1984
Staff Attorney, Michigan Court of Appeals, 1972–1973; Michigan Supreme Court, 1973–1977
- Professional Activities** Editor in Chief, *The Scribes Journal of Legal Writing*, 2001–2012 (now a Senior Editor)
Editor, “Plain Language” column, *Michigan Bar Journal*, 1988–present
Editor, “Redlines” column, *Judicature*, 2016–present
Drafting Consultant to:
 - Standing Committee on Federal Rules of Practice and Procedure (led redrafting of Federal Rules of Civil Procedure and Federal Rules of Evidence), 1999–present
 - Committee on Pattern Criminal Jury Instructions, U.S. Sixth Circuit District Judges Association, 1987–1991Executive Director, Scribes — The American Society of Legal Writers, 2005–2009
Founding Director, Center for Plain Language, 2003
President, Clarity (an international association for plain legal language), 2004–2006
Visiting Scholar, University of Sydney Law School, September 1993–December 1993
Over 175 seminars and presentations in the United States, Canada, Mexico, Argentina, England, Belgium, Denmark, Norway, Sweden, Spain, Australia, New Zealand, and South Africa
- Awards** 2023 Roberts P. Hudson Award from the State Bar of Michigan
2017 Joseph Kimble Distinguished Service Award created by Scribes
2015 John W. Reed Lawyer Legacy Award from the State Bar of Michigan
2010 award from the Section on Legal Writing, Reasoning, and Research of the Association of American Law Schools
2007 and 2011 Burton Award for Reform in Law (for role in drafting the Federal Rules of Civil Procedure and Federal Rules of Evidence)
2007 Plain Language Association International Award
2000 “Plain English Champion” Award from the Plain English Campaign (U.K.)
- Education** J.D., 1972, University of Michigan Law School
B.A., 1967, Amherst College (cum laude, honors in English)
- Selected Publications** *Seeing Through Legalese: More Essays on Plain Language* (Carolina Academic Press 2017)
(22 collected articles and interviews)
Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law (Carolina Academic Press 2d ed. 2023)
Lifting the Fog of Legalese: Essays on Plain Language (Carolina Academic Press 2006)
(15 collected articles)
Dictionary Diving in the Courts: A Shaky Grab for Ordinary Meaning, 22 J. App. Prac. & Process 209 (2002)
Deep in the Weeds of Textualism, 21 Green Bag 2d 297 (Summer 2018)
How Lockhart Should Have Been Decided (Canons Are Not the Key), *Judicature*, Winter 2017, at 40.
What the Michigan Supreme Court Wrought in the Name of Textualism and Plain Meaning: A Study of Cases Overruled, 2000–2015, 62 Wayne L. Rev. 347 (2017)
Ejusdem Generis: What Is It Good For?, *Judicature*, May 2016, at 48.
The Doctrine of the Last Antecedent, the Example in Barnhart, Why Both Are Weak, and How Textualism Postures, 16 Scribes J. Legal Writing 5 (2014–2015)
You Think Lawyers Are Good Drafters? 18 Green Bag 2d 41 (Autumn 2014)
Over 100 articles and columns total; full list at <https://www.cooley.edu/faculty/Joseph-Kimble>