WHY DO THE NATIONS SO FURIOUSLY RAGE TOGETHER?

Letter writing in family law disputes

1.0 Overview

1.1 The title is taken from the *Psalms of David* 2: 1- 2 the full text of the verses being:

Quare fremuerunt gentes?

Why do the heathen so furiously rage together: and why do the people imagine a vain thing?

The kings of the earth stand up, and the rulers take counsel together: against the Lord, and against his Anointed.

1.2 The verses have most famously been set to music as an Aria in Handel's *Messiah.* It forms part of a sequence in the libretto where the foolishness or futility of human behaviour is explored. Charles Jennens, the Oxford scholar who crafted the libretto, was a noted editor of Shakespeare's plays. It is interesting to speculate upon linkages. For, in *Macbeth* Act 5 Scene 5, Macbeth's soliloquy upon the futility of life concludes with the famous passage:

… it is a tale
Told by an idiot, full of sound and fury,
Signifying nothing.

1.3 My contentions are:

[a] Our profession writes much correspondence that is ill-considered; that insufficient attention is given to style, content, tactics or strategy; and

[b] Not a significant amount of our correspondence is full of complexity, 'rage', 'sound and fury', and runs the risk of achieving 'nothing';

[c] there are sound philosophical and practical reasons for giving attention to the quality of our correspondence.

1.4 In this paper I will not distinguish between communication by letter or email – though some particular comments are made in respect of email. Obviously enough, I am not concerned with the merely formal communication such as 'we confirm the mediation for 3pm.'

2.0 A brief philosophical excursion

2.1 I advance various practical reasons why skill at letter writing brings with it genuine advantages. But first, let me raise a philosophical challenge for consideration. The Hon. J.J. Spiegelman AC, Chief Justice of New South Wales reminds us that the quality of our communication is relevant to the tolerance and cohesion experienced within society. His thesis is that the 'civility of discourse in the operation of the law … reinforces the contribution which our fundamental social institutions [make] to our social cohesion' and argues that civility is an ethical obligation:

> *Ours is a profession of words. We must continue to express ourselves in a way that demonstrates respect for others … it is to be found in the full range of discourse between practitioners both oral and in correspondence … it is recognised as a fundamental ethical obligation of a professional person.* [1]

2.1 His Honour is not the first, of course, to raise the matter. As early as St. Paul's first letter to the Christians at Corinth we read:

> *Evil communications corrupt good manners.* [2]

2.2 The ethical obligation to use civil discourse has, in Queensland, been most recently reinforced by the Legal Practice Tribunal where language described as 'vulgar, abusive derogatory and demeaning' was held to be a 'high degree of unprofessional conduct;'[3] and language described as 'disgraceful' was a 'serious example of unprofessional conduct.' [4]

3.0 The general principle - use efficient language

3.1 I can do little but repeat what others have said. So:

> *Always write as well as time and circumstances permit … aim for simplicity, precision and economy … never allow yourself to have recourse to sloppy expressions, mindless jargon, or the fashionable cliché, all of which lower your standards, your self-esteem and your level of achievement, and in practice, represent self-laid snares that may catch you out when you are unprepared to extricate yourself.* [5]
>
> *To succeed in the profession of the law, you must seek to cultivate command of language. Words are the lawyer's tools of trade … on the words you use, your client's future may depend … The reasons why words are so important is because words are the vehicle of thought … you must use words. There are no other means available. To do it convincingly, do it simply and*

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[1] 'Tolerance Inclusion and Cohesion' (2007) 27 Aust Bar Review 133
[2] 1 Corinthians 15: 33
[3] *LSC v Baker* [2005] LPT 2
[4] *LSC v Winning* [2008] LPT 13
[5] 'Evidence and Advocacy' Justice W.A.N. Wells, Butterworths, 1988 at page 8

clearly. If others find it difficult to understand you, it will often be because you have not cleared your mind upon it. Obscurity in thought inexorably leads to obscurity in language. [6]

The good lawyer will be altogether in command of the English language and the art of communication. Communication, persuasion and ready use of written and spoken language are at the heart of our profession, which is concerned to avoid and if need be adjust with skill the conflicts which arise from the social nature of humanity … a document produced by a lawyer ought to evince a full participation in the culture of literacy. It is not usually the place for slang, colourful idiom or technical language which is not in general use … [7]

3.2 Consider how judges and juries respond to the oral or written advocacy they daily experience. For example, research suggests that juror misunderstandings may not be the result of the jurors' intellectual capacity (which has been the historical assumption) but may be caused by the <u>form</u> in which jurors are presented with the evidence. [8] Australian judges prefer plain language submissions. "The more complex you make it, the less likely it is to be accepted. If you have to make it complex then the chances are it's wrong." [9] A not dissimilar approach occurs with mediation theory where the emphasis is not so much upon what <u>you</u> might say as upon <u>listening</u> to what the opponent is saying. [10]

3.3 I make these points about the response of judge or jury to advocacy so as to reinforce the proposition that your letters are also advocacy. Abraham Lincoln said

When I get ready to talk to people, I spend two thirds of the time thinking <u>what they want to hear</u> and one third thinking about what I want to say.

Edwin Friedman [11] a well known American author and family therapist put it this way

Communication does not depend on syntax, or eloquence, or rhetoric, or articulation but on the emotional context in which the message is being heard. People can only hear you when they are moving toward you, and they are not likely to when your words are pursuing them. Even the choicest words lose their power when they are used to overpower. Attitudes are the

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[6] 'The Discipline of Law' Lord Denning MR, Butterworths, 1979 at page 5
[7] 'Affidavits' Justice John Bryson (1999) 18 Aust. Bar Review 166
[8] 'Communicating with jurors in the 21st century' Horan, (2007) 29 Aust. Bar Review 75
[9] Tobias J of the NSW Court of Appeal quoted in "Judicial attitudes to plain language and the law" O'Brien, (2009) 32 Aust Bar Review 204
[10] see for example *'Listening to each other: the heart of mediation and dialogue'* Coburn and Edge, (2007) 18 ADRJ 19
[11] 1932-1996

real figures of speech.

3.4 Might I pick up on that last sentence – *attitudes are the real figures of speech* - as there are 2 matters I wish to emphasise.

3.5 First, we are well used to the proposition that most family law disputes result in compromise and settlement and that even those cases where litigation commences these still, most often, settle. Even in the Family Court, where we can safely assume, as a general proposition, that only the most complex and difficult child and property cases are now conducted the rate of settlement by consent order is 54% of all cases filed. [12]

3.6 Given that most cases will settle, what attitude will your correspondence adopt? Compromise? Or warfare? Will it be, as Winston Churchill phrased it "jaw jaw" or "war war"? Perhaps more elegantly, as Indira Gandhi reminds us *"you cannot shake hands with a clenched fist".* Presumably Martin Luther King had that in mind when reported as having said, *"war is a very bad chisel for carving out a peaceful tomorrow."* [13]

3.7 It is the person who receives your message that matters; the listener. As the American singer/songwriter Paul Simon put it:

People talking without speaking
People hearing without listening …
'Fools' said I 'you do not know
Silence like a cancer grows.' [14]

3.8 Will that other person hear and understand your message? or is it diminished by complexity, aggression, hollow threats, self-righteousness, and pomposity? If it is in the best interests of your client (and also the children) to compromise then what message will the other lawyer/client hear? Schedule 1, paragraph 1(6)(f) to the *Family Law Rules* picks up on this where it provides that a party must have regard to

… the impact of correspondence on the intended reader (in particular, on the parties).

3.9 Secondly, some cases do not settle. A trial is inevitable. Nevertheless the attitude conveyed in correspondence remains important and can be as or more important than the facts being canvassed. Indeed in a children's dispute 'attitude' is a fact. A consideration for the court is

The attitude to the child and to the responsibilities of parenthood. [15]

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[12] *Family Court of Australia Annual Report 2008-2009* at page 32
[13] Quoted in "The Far Side of Revenge" ADR bulletin, vol. 8 No 5, January 2006 at page 92
[14] 'Sound of Silence' 1964
[15] *Family Law Act* s. 60CC(3)(i)

3.10 Letters are written on instructions from the client. A usual cross-examination tool is to show a witness a letter written by her or his solicitor, point out some exaggerated/hostile/silly etc passage and ask:

Why did you instruct your solicitor to say that? Or a similar question.

Most witnesses are trapped in such circumstances. They recant the words; they blame the solicitor.

3.11 The 'attitude' conveyed to the opponent as well as to the judicial officer matters. A true example:

Firm 1 Writes a considered letter advancing the father's case for shared care on an interim basis. Both parents are non-commissioned officers in the Army – so some form of sharing is inevitable.

Firm 2 Responds by ignoring the arguments and states:

Everyone knows that little girls should be with their mother.

4.0 Some comments concerning style.

4.1 These examples:

Broadchalke is one of the most pleasing villages in England. Old Herbert Bundy, the defendant, was a farmer there. His home was at Yew Tree Farm. It went back for 300 years. His family had been there for generations. It was his only asset. But he did a very foolish thing. He mortgaged it to the bank. [16]

Mr Bray is a member of a Brisbane firm of solicitors. During the income year ended 30 June 1974, he was in receipt of a substantial professional income which, in the ordinary course, would lead to a substantial liability for tax. He was a reluctant taxpayer. [17]

4.2 Analyze those words. What is it about this use of language that makes the packages so attractive? I suggest that, foremost, it is the brevity of expression; the use of short sentences; the clarity of writing. The reader is drawn into the story; wants to read more.

4.3 It is not for nothing that the Queensland Civil Procedure Rules provide that a pleading must:

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[16] Per Denning MR in *Lloyds Bank v Bundy* [1973] 3 All ER 757

[17] Per Bowen CJ in *Bray v FCT* (1977) 17 ALR 328

… be divided into consecutively numbered paragraphs and, if necessary, subparagraphs, each containing, as far as practicable, a separate allegation. [18]

and

… [be] as brief as the nature of the case permits. [19]

The same applies, I suggest, to your letter writing.

4.4 Consider also FCR 24.01 and FMCR 2.01, which set out the rules of the respective family courts as to the manner in which documents are to be prepared. Their aim, obviously enough, is to achieve readable, legible documents. I query, however, how it can be, in the 21st century that these differences exist:

Family Court	Federal Magistrates Court
"white A4 paper"	"durable white paper of good quality"
margin no wider than 25mm	margin at least 30mm
spacing not exceeding 1.5 lines	no comparable rule
double-side acceptable	single-side only
no comparable rule	type size at least 10 point

4.5 If you will forgive a digression, it might be observed that even these rules infringe plain language principles. What on earth do the words "durable" and "good" mean? They are expressions with flexible (and therefore doubtful) meanings and their deliberate use should be avoided. [20]

4.6 I have already made the point that these 'rules' for the conduct of litigation are relevant to letter writing; that any letter or email (of consequence, as distinct from the merely formal) is a process of 'advocacy' with your opponent. Any impediment to clarity should be abandoned: (even, I suggest, the occasional fashion for the use of coloured paper as a letterhead). To this I would now add that a prudent lawyer must correspond on the assumption that every letter or email may find itself admitted into evidence – and you and your client will be answerable for it. Primarily, of course, it is the content that will matter, (for which see below) but effective advocacy or communication commences with legibility, simplicity and clarity.

4.7 So might I suggest the following 'rules' for letter style?

[a] Cultivate simplicity and directness of language;

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[18] UCPR 146(1)(f)
[19] UCPR 149(1)(a)
[20] *The language of the law,* Mellinkoff, Little Brown & Co 1963, pp 20-1

[b] As the UCPR pleading rules state, confine each paragraph to a 'separate' matter;

[c] Use paragraph numbering; adequate spacing;

[d] Use aggressive or demanding styles only when truly warranted.

4.8 Those who wish to give a more detailed consideration to the topic might look at Justice Kirby's '10 Commandments' for plain language. [21]

4.9 Bear in mind the trap that is email. Instantaneous communication is a marvellous tool – but not the informality or impulsivity that so often arises. One of the great communicators of the twentieth century – Edward R. Murrow reminds us:

The newest computer can merely compound, at speed, the oldest problem in the relations between human beings, and in the end the communicator will be confronted with the old problem, of what to say and how to say it.

4.10 The example I am about to give is one that is more about 'content' rather than 'style' but is useful to demonstrate the problem arising from impulsivity. I recently appeared before Coker FM in a dispute between parents as to which school a child should attend. Both parents were good parents; they had successfully conducted shared care for several years; there had been no dispute about anything of consequence until this issue emerged. In an exchange of email between the parents, the mother had advanced various arguments as to her choice of a Catholic primary school and included the comment that the school was

"Family friendly"

Ignoring her various points and arguments the father, in what he must now regret was a mad moment, replied

"*Why do we need a family friendly school; we are not a family"*

The father lost the argument.

Finely balanced and/or difficult cases can be determined by just one fact; one error; one unfortunate attitude. Good advocates search for them and use them – mercilessly.

5.0 **Efficiency**

5.1 Efficiency is important for its own sake. Delay in responding to correspondence or ignoring the opponent's correspondence, may have professional or cost consequences. Unexplained or unacceptable delay in

[21] 'Ten commandments for plain language in law' (2010) Aust Bar Review 10

correspondence, may, for example be regarded as evidence of bad faith in settlement negotiations. [22]

5.2 But silence is also advocacy. Where a delayed response occurs or there is no response what message is conveyed? That you or your client does not care? Only in the rarest of cases will such an answer be appropriate.

6.0 **Content**

6.1 In section 3 I have already said something about the content of communication. Let me now expand upon this theme.

6.2 The "main purpose" of the *Family Law Rules* is

> *… to ensure that each case is resolved in a just and timely manner at a cost to the parties and the court that is reasonable in the circumstances of the case.* [23]

6.3 Each party (and the lawyers) has an obligation to promote and achieve this purpose by, amongst other things:

> *… ensuring that any orders sought are reasonable in the circumstances*
>
> *… assisting the just, timely and cost-effective disposal of cases*
>
> *… identifying the issues genuinely in dispute*
>
> *… being satisfied that there is a reasonable basis for alleging denying or not admitting a fact.* [24]

6.4 Schedule 1 to the *Family Court Rules* expands upon those comments. So paragraph 1(6) of the schedule refers to:

> *At all stages during the pre-action negotiations and, if a case is started during the conduct of the case itself, the parties must have regard to:*
>
> *… the need to avoid protracted, unnecessary, hostile and inflammatory exchanges;*
>
> *… the impact of correspondence on the intended reader (in particular, on the parties)*
>
> *… the need to seek only those orders that are reasonably achievable on the evidence and that are consistent with the current law.*

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[22] *Western Australia v Njamal People* (1996) 134 FLR 211
[23] *FCR* 1.04
[24] *FCR 1.08*

In particular note that parties must not:

In correspondence, raise irrelevant issues or issues that may cause the other party to adopt an entrenched, polarised or hostile position. [25]

6.5 Her Honour Willis FM has recently made a costs order where one of the parties engaged in "unnecessary correspondence" concerning what would otherwise have been a self-evident interpretation of an order. [26]

6.6 Let me discuss some typical examples of unnecessary (or at least unwise) correspondence.

6.7 'Fault' is not usually a relevant consideration in a financial case. Yet how often do we see reference to it in correspondence and affidavits? How a relationship came to an end; who was unfaithful; who smoked dope; who drank too much etc will, in all usual cases, have no bearing upon the outcome of a property trial. In exceptional circumstances it might be possible to advance a 'wastage' case but you need conduct sufficient to argue that wastage was deliberate or "reckless negligent or wanton." [27] Importantly, the mere fact that a party was the initiator of and had a control of a particular venture does not mean he or she is thereby solely responsible for the losses that arise. [28] So, unless the facts are good enough, why bother creating aggravation (and the possibility of unnecessary legal costs) in advancing them? It leads to the entrenched polarised or hostile position referred to above. As importantly, in corresponding with the opponent to repeat the client's allegations about the history of the relationship a solicitor needs to ask whether that reinforces the client's misunderstanding that the allegations have relevance.

6.8 A similar problem arises with allegations of domestic violence. I appreciate that in a children's case there are different considerations, but in a financial case the fact of domestic violence has no relevance unless, in terms of the decision in *Kennon* [29] the violence is <u>demonstrated</u> to have had a <u>significant adverse impact</u> upon the party's contributions. That hurdle ought not be under-estimated; yet so often is.

7.0 The content of correspondence has legal consequences

7.1 A trite principle, I know. But often forgotten.

7.2 I will not labour upon simple examples. Obviously enough, correspondence can lead to an admission of facts alleged, or the waiver of

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[25] *FCR Schedule 1* paragraph 1(7)(b)
[26] *Macri & Florio* [2010] FMCAfam 340
[27] *Kowaliw* (1981) FLC 91-092
[28] *Brown and Green* (1999) 25 Fam LR 482 at [53]
[29] *Kennon v Kennon* (1997) FLC 92-757

reliance upon particular facts, issues or arguments. Care is always required when drafting letters or emails in such circumstances. I wish to stress a couple of other matters.

7.3 Clarity and reasonableness of content is required, if only because of cost consequences:

[a] To position a client for a costs order, any offer to settle on one side must be stated clearly, precisely and with reasonable certainty. As recently expressed by the Full Court [30]

Any serious offer to adjust financial difference should be framed in plain English terms that are easy to perceive or understand, leaving no doubt as to the terms of that offer.

[b] Further, if the opponent's offer is ambiguous or unclear there is no obligation to respond by seeking clarification. [31]

[c] In any event all correspondence, including the genuine negotiation correspondence is admissible upon arguments as to costs. [32] So if the correspondence contains various ambit claims, florid and inflammatory language, irrelevant allegations and so on, what might be supposed to be the cost consequence?

[d] separately, where false allegations or statements are knowingly made "in the proceedings" the court must make an order for costs.[33] If aggressive correspondence is annexed to affidavit material (as is a usual habit) does the content cause this exposure to a costs order?

7.4 Moreover, those magic words 'without prejudice' offer little protection in modern litigation. First, forgive the pedantry, but the presence or absence of the words has no legal consequence. If a letter is written "in connection with an attempt to negotiate a settlement of the dispute" then evidence of its contents cannot be adduced [34] (except upon argument as to costs as set out above). The words 'without prejudice' make no difference except perhaps as a useful neon sign proclaiming 'offer coming.' Importantly, proclaiming 'without prejudice' in respect of a sequence of admissions made in response to allegations of the opponent does not, of itself, prevent reliance upon those admissions if

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[30] *Johnston* (2004) 32 Fam LR 308
[31] *Harris* (1987) 11 Fam LR 629
[32] *Evidence Act* s. 131(2)(h); and *Family Law Act* s. 117C(2)
[33] *Family Law Act* s. 117AB
[34] *Evidence Act* (Commonwealth) s. 131 – the legislation simply reflects a long-standing principle at common law. See for example *Rodgers v Rodgers* (1964) 114 CLR 608; *Harrington v Lowe* (1996) 190 CLR 311

Evidence that has been adduced in the proceeding, or an inference from evidence that has been adduced in the proceeding, is likely to mislead the court unless evidence of the communication or document is adduced to contradict or to qualify that evidence. [35]

8.0 **Pet hates**

8.1 Without being overly idiosyncratic, please let me indulge for a moment as to various matters that cause me not a little annoyance.

8.2 <u>I'm only a mouthpiece!</u>

Writing stuff just because the client says so is no excuse for correspondence (or advocacy) that ends up being angry, hypocritical, and full of hubris. A recent example:

> Shared care for 18 months; solicitor for W writes on 12/3/10 and advances various complaints and says "*unless there is a satisfactory to the aforementioned issues and your client is prepared to negotiate a more parenting arrangement we hold instructions to commence proceedings for the formalisation of such fresh arrangements.* "
>
> On Good Friday, W, without notice, holds over the children and refuses to return children for shared care. Solicitors for H write and threaten urgent application. On 9/4/10 solicitors for W respond as follows
>
> "*it is clearly not in the interests of either of our clients or more importantly the best interests of the children for this matter to be the subject of litigation and our client urges your client to adopt a more reasonable, realistic and conciliatory attitude …* "

It is annoying to see the overuse of adjectives. No client seems to be 'concerned' about a sta

8.3 <u>I dislike adjectives and other forms of exaggeration</u>

No client is merely 'concerned' these days. They seem to be always 'very concerned' or 'extremely concerned'. An adjective is as much a piece of advocacy as any other part of correspondence (or for that matter an affidavit; an oral or written submission). Many clients appreciate exaggeration or 'drama' in a letter; but bear in mind paragraphs 3.4 - 3.10 above. It is not the client's satisfaction that matters – it is the reaction of the opponent and/or the decision-maker that is more important. Do not underestimate the ennui (in some cases) or outrage (in others) created by continuous exaggeration; the over-use of adjectives. Even the most

[35] *Evidence Act* s. 131(2)(g). Also a principle at common law – see *J.A.McBeath Nominees Pty Ltd v Jenkins Development Corporations Pty Ltd* [1992] 2 Qd R 121

efficient judge or magistrate is time-poor. She or he wants facts – not adjectives or exaggeration.

Refer to paragraph 8.2 above. The solicitor for the H responds by reiterating his client's instructions to commence proceedings. The father, by this time ahs been denied all time with the children for now 4 weeks. Solicitor for the W responds "*our client rejects the assertion that she is presenting your client with a fait accompli and is <u>simply</u> expressing her <u>very serious concerns</u> …* " and that their client is *"<u>bitterly</u> disappointed and frustrated that your client is not willing to participate in <u>meaningful</u> counseling and mediation."*

Threats about costs

Solicitor for the H annexes all the correspondence to his client's affidavit. W caves in – shared care is restored.

8.4 <u>We will make a claim for (indemnity) costs!</u>

The primary rule in the family jurisdiction is that each party bears his or her own costs. [36] Though a claim can be made for costs [37] the legislation makes it clear that a claim for costs is based upon a <u>retrospective</u> examination of the progress of the case: matters such as 'conduct' 'success' and 'reasonable negotiation' [38] are prominent features. Except with rare cases it is impossible to make a <u>prospective</u> prediction of success with a claim for costs. And in daily experience we all know that attracting the exercise of judicial discretion to award costs is difficult. So I ask – what is the point of making a threat to claim to costs in <u>early</u> correspondence?

8.5 And that question applies particularly to the not infrequent threat to claim indemnity costs. The decision of Justice Shepherd in *Colgate Palmolive v Cussons Pty Ltd* [39] sets out the basis upon which a Court may make an order beyond costs on a party and party basis. His formulation is:

Circumstances warranting the exercise of the discretion to award indemnity costs include:

[a] the making of allegations of fraud knowing them to be false, and the making of irrelevant allegations of fraud;

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[36] *Family Law Act* s. 117(1)
[37] *Family Law Act* s. 117
[38] these are my paraphrases of the essential elements in *Family Law Act* s. 117(2A)(a) – (g).
[39] (19930 118 ALR 248

[b] evidence of particular misconduct that causes loss of time to the court and the other parties;

[c] the fact that the proceedings were commenced for some ulterior motive;

[d] the fact that the proceedings were commenced in wilful disregard of known facts or clearly established law;

[e] the making of allegations that ought never to have been made or the undue prolongation of a case by groundless contentions;

[f] an imprudent refusal of an offer to compromise;

[g] an award of costs on an indemnity basis against a contemnor.

8.6 As well, if a solicitor makes a claim for indemnity costs he/she thereby becomes obliged to disclose their cost agreement. [40] Frankly, why be obliged to do so? To reveal information commercially confidential to your firm? Are you confident your case for indemnity costs is solid? And if you write the aggressive letter what do you do when your opponent responds:

Our client treats as serious your threat of a claim for indemnity costs. Please make disclosure of:

[a] your firm's costs agreement; and

[b] particulars of the costs incurred by your client to date

8.7 <u>The argumentative and the 'gotcha' letters</u>

Let me stress that I do not suggest there is no place for a proper exchange of views and arguments between solicitors. <u>Sensible</u> debate, even sensible aggression, can be the key to successful compromise. But there comes a point in a case where it will be obvious (or at least most likely) that compromise cannot be achieved. At that time, it is important to re-focus on the litigation strategy. I do not suggest that your correspondence style should change – simplicity, plain speaking and civility are timeless qualities. But the content might have to change. By all means work upon limiting the issues. Yet even to the door of the court-room I see letters being written which go on at great length concerning the merits of the case; and delight in pointing out the mistakes of the other side; and sometimes a significant forensic advantage is given

[40] *Family Law Rules* 19.08(3)

away – the 'gotcha' letter that points out some major error or important document that the other side has overlooked.

8.8 A good advocate will read the correspondence of the solicitor for the other side so as to gain an impression of what tactics, issues, 'gotcha' points and so on have excited the opponent. She or he will then prepare to deal with those issues.

Bibliography and further research

For those interested in undertaking their own study in this field might I recommend, at the least:

'Clarity' the on-line journal of the International Association Promoting Plain English Language available at http://www.clarity-international.net/journals/default.htm

'The English Language' R.W. Birchfield, OUP 1985, Folio Society 2006
'Oxford English' OUP 1985
'The Language of Advocacy' K. Evans, Blackstone Press, 1998
'Death Sentence – the Decay of Modern Language' Don Watson, Knopf, 2003
'Weasel Words' Don Watson, Knopf, 2004
'Eats, Shoots & Leaves – the Zero Tolerance Approach to Punctuation' Lynne Truss, Profile Books, 2003
'Word Watching', Julian Burnside, Scribe Publications, 2004
Fowler's Modern English Usage, OUP, 3rd edition, 1998