

Chicago Daily Law Bulletin®

Volume 160, No. 235

Laff is the best medicine

Michael, Best IP lawyer serves as a guide to young attorneys learning how to write

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The writing instruction is simple.

Take the assignment — a brief or a motion. Read it. Mark it. Bring it to the lawyer who wrote it. Sit with him or her. Review the changes. Explain your choices.

Charles A. Laff — an intellectual property attorney at Michael, Best & Friedrich LLP — has followed that script since he began writing legal documents as a new lawyer in 1958.

Now he's the editor.

"I remember sitting and going over briefs word by word," said firm partner and Laff mentee Martin L. Stern, who joined Michael, Best out of law school in 1977.

"He would take the time to go into great detail, and he would explain his thinking. Why he would suggest writing a phrase one way or addressing an issue in a certain way."

The lessons continue today. Intellectual property partner Gilberto E. Espinoza, who joined the firm in 2007, was immediately impressed by Laff's hands-on approach.

"He'll sit down with you so that you understand what he's trying to accomplish by making those revisions," Espinoza said. "The fact that he'll take the time to explain all of his edits is what makes him a very good mentor to the younger

attorneys."

During his 56 years in practice, Laff has represented MCA Inc. concerning trademark violations of characters from the Steven Spielberg movies "E.T. the Extra-Terrestrial" and "Jaws"; the Orange Crush soft drink against the Denver Broncos; and a litany of other clients.

Whether litigating or crafting patents, Laff's work is rooted in writing.

As a boy at William C. Goudy Elementary School in Uptown, Laff won an essay-writing contest.

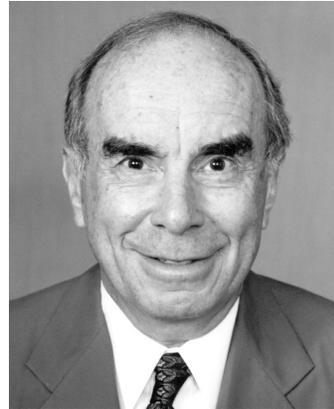
"That might have inspired the thought in this 9- or 10-year-old ... that maybe I could write," Laff said.

Next, Laff wrote for the student newspaper at Purdue University, where he majored in chemical engineering. It was with the Purdue Exponent that he learned to write for a limited space.

"If you can communicate accurately and understand your audience, you can be successful. ... That's my art."

Finally, after earning his J.D. at Harvard Law School in 1958, Laff took a job at now-defunct boutique IP firm Olson, Mecklenburger, von Holst, Pendleton & Neuman.

In writing sessions conducted by Thorley von Holst, Laff and other



Charles A. Laff

associates sat in teams of four to write and review briefs, primarily for Johnson & Johnson or Phillips Petroleum Co.

"We'd sit there and agonize over words, and make them fit in these 50 pages," Laff said. "It was a drill."

Laff learned simplicity.

"Listen," von Holst would say to Laff after reviewing Laff's work, "what are you trying to say here?"

Laff would, in plain English, tell von Holst his idea.

"So why don't you write that?" von Holst would ask him.

The lesson remains.

"You would write something and he would say, 'What are you really saying here?'" Stern said about Laff. "I'd say it, and he'd say, 'Well, let's write it that way.'"

Laff likes his writing concise and direct. Young lawyers, he said, "use too many words and they write passively."

A poor sentence construction entered his mind.

"It is well settled law in this district that ..." he said, imitating what he considers ineffective legal writing.

"You see a lot of that.

Everything comes in on a dependent clause. It weakens the writing."

His critiques are not older generation stylistic nitpicking. Laff's focus is on the practical use of a legal document.

"When you write for the judge," Espinoza recalls Laff saying, "you need to explain to the judge why the decision you want him to make is not going to be reversed. ... If the argument is getting too complicated, even though the judge might understand it, it's less likely that he'll go with it."

Laff pares his instruction to three rules: be concise, direct and not boring.

"He taught a style of writing that was persuasive as opposed to wordy," said intellectual property partner Larry L. Saret. "He certainly took advantage of every inch of the 15 pages we were allotted for briefs at that time."

That time was the 1970s when Saret met Laff. Though they became co-workers, Saret's introduction to Laff was as his student at Loyola University Chicago School of Law, where Laff taught patent law for 20 years.

"He would rush into the classroom with the class full of eager, waiting law students, and he would often start the class by telling us what he was working on — sort of a war story approach — before we got into the assignment," Saret said. "He was enthusiastic about what he was talking about and it was contagious for us."

Teaching helped Laff, too.

"You learn pretty quickly that there are things you thought you knew that you have trouble explaining," Laff said.

"As a result, I think it made me a much better advocate because when explaining to really bright law students, they are going to ask questions that you wouldn't anticipate."

Questions lead to clarity. Clarity leads to victory.

"You're trying to persuade a judge to do something for your client," Laff said. "If you can communicate accurately and understand your audience, you can be successful."

He pointed to one of his briefs on the table in front of him.

"That's my art," he said, smiling. "If that lasts for all time, that's me."

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