

# Transcending Genre

## Lessons from the Poet on Good Writing

*The Triggering Town*

Richard Hugo (W.W. Norton and Co. 1979), 109 pages

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A friend of mine, an accomplished trial lawyer, recently told me about a mediation statement he had written for a medical malpractice case involving the death of a young woman. “I used a series of short, declarative sentences,” he said, “in an attempt to create dramatic tension. I wanted the mediator to be there in the room as this terrible scene plays out and for him to experience it as much as possible.” This anecdote illustrates a core fact: lawyers write. And, we are always looking for ways to do it better because the better we are at it, the more effective advocates we will be.

There is a world of discourse studying the relationship between law and literature. A component of that discourse discusses the relationship between law and poetry, examining, among other things, how law and poetry are alike and how they are different, as well as what lawyers might glean from looking at law from a poetic lens.<sup>1</sup> For me, though, what permeates the discourse on law and literature is the fact that, regardless of the connection between the two, what remains is that lawyers write, and it is good for us to think about how we might write better. One way to improve our writing is to look at how other writers approach the writing process to see what we might learn. It was with that goal in mind that I reread a classic in the books-for-poets genre, *The Triggering Town*, by American poet and creative writing professor Richard Hugo.<sup>2</sup>

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<sup>1</sup> See, e.g., Edward J. Eberle & Bernhard Grossfeld, *Law and Poetry*, 11 ROGER WILLIAMS U. L. REV. 353, 353 (2006) (proposing that law and poetry are both “human creations of imagination and ingenuity, communicate their essence through language, provide order, form and structure to a dizzying array of phenomena present in daily life, and reflect and reshape the culture from which they arise”); George D. Gopen, *Rhyme and Reason: Why the Study of Poetry Is the Best Preparation for the Study of Law*, 46 COLL. ENGLISH 333, 334 (1984) (arguing that the “formalistic study of poetry is the best preparation for the study of law”).

*The Triggering Town* is a collection of lectures and essays on poetry and writing, dedicated to “all students of creative writing—and their teachers.”<sup>3</sup> The book is divided into nine sections, each of which addresses writing poetry and the teaching of poets with Hugo’s characteristic wit and humor. Despite its focus on the poet, there are lessons in Hugo’s book valuable to legal writers and those that teach and mentor legal writers.

Hugo’s book, which is funny and sentimental in the right ways and a delight to read, reminded me that facets of good writing transcend genre and purpose. I have attempted to capture some of those facets below, but given Hugo’s main premise for teaching writing—the focus on the writer and the writer’s process—all legal writers should read *The Triggering Town* and cull for themselves the components of it that will lead to better writing.

## Develop a writing identity.

Certain aspects of writing transcend audience and purpose. First, all writers must come to know themselves *as writers*. Hugo’s central approach to teaching creative writing is to have his students develop the self-criticism essential to all writers: he says, of the teaching of writing, that “[u]ltimately the most important things a poet will learn about writing are from himself in the process.”<sup>4</sup> He encourages learning to write by writing, again and again, letting the poet’s imagination take off in the words she chooses and how she uses them.<sup>5</sup> “Once you have a certain amount of accumulated technique, you can forget it in the act of writing. These moves that are naturally yours will stay with you and will come forth mysteriously when needed.”<sup>6</sup>

Hugo’s advice for developing a writing identity is to ignore the reader. He says, “Never worry about the reader, what the reader can understand.”<sup>7</sup> Hugo’s advice is worthy of lawyers’ consideration, at least to some extent. Lawyers are trained to write for a specific audience—a

2 Hugo (born 1923, died 1982) studied creative writing at the University of Washington where he was a pupil of the poet Theodore Roethke. See POETS.ORG, <https://poets.org/poet/richard-hugo> (last visited May 11, 2024). In 1952, he began to work at Boeing as a technical writer, where he remained for thirteen years. *Id.* He went on to teach English and creative writing at the University of Montana, and taught there for nearly eighteen years. *Id.*

3 RICHARD HUGO, *THE TRIGGERING TOWN: LECTURES AND ESSAYS ON POETRY AND WRITING* (1979).

4 *Id.* at 33.

5 *Id.* at 12–15.

6 *Id.* at 17.

7 *Id.* at 5. Other poets take an adverse position. Ted Kooser, for instance, advises as follows: “I recommend that when you sit down to write you have in mind an imaginary reader, some person you’d like to reach with your words. . . . If you keep the shadow of that reader—like a whiff of perfume—in the room where you write, you’ll be a better writer.” TED KOOSER, *THE POETRY HOME REPAIR MANUAL* 20 (2005).

client, a judge, opposing counsel. Despite the validity of considering the audience when we write as lawyers, it is helpful to step back (maybe even for just short moments) and consider our own writing identities. If there must be a writer before there is a reader, there is value in honing the self-criticism and accumulated technique personal to us that will help us be better writers. There is also value in considering what moves us in a given advocacy situation. To convince someone else that our way is the right way, we must thoroughly convince ourselves first. We must find the angle—the way of looking at and understanding the case and the emotional response it creates—that first and foremost works for us. Hugo notes that “if you are not *risking* sentimentality, you are not close to your inner self.”<sup>8</sup> There is freedom in ignoring the reader that may allow us to understand who we are, truly, as advocates and writers that will make us even more impactful in those pursuits.

### Find power in creating a theory of the case.

The fun of writing also transcends audience and purpose. All writers can experience the fulfillment that comes with having created something. All writers can enjoy discovering the power of language. Hugo advises poets, “If you feel pressure to say what you know others want to hear and don’t have enough devil in you to surprise them, shut up.”<sup>9</sup> This is a powerful lesson for advocates, particularly when crafting a theory of the case, a theme that will carry through a mediation position and opening and closing arguments. The theme must stand out and grab the attention of the mediator or juror. The lawyer’s theme—the lawyer’s words—must move others so viscerally they want to take decisive action—declare someone not guilty, send a person to jail, award large sums of money to someone they have never met.

Lawyers can find joy and fulfillment in coming up with a compelling argument or theory of the case. The greatest professional satisfaction is, of course, when our words get us the desired result for the client—that settlement, that verdict. Hugo’s book reminds us that “once language exists only to convey information, it is dying.”<sup>10</sup> Lawyers—in particular young ones, will do well to remember that the goal of legal writing is not just the conveyance of information—it is persuasion.

8 HUGO, *supra* note 3, at 7.

9 *Id.* at 5.

10 *Id.* at 11.

## Find power in language itself.

Young poets, according to Hugo, often pay attention to big ideas to the exclusion of small matters.<sup>11</sup> “A student may love the sound of Yeats’s ‘stumbling upon the blood dark track once more’ and not know that the single-syllable word with a hard consonant ending is a unit of power in English and that’s one reason ‘blood dark track’ goes off like rifle shots.”<sup>12</sup> While this is “simple stuff,” he says, only “few people notice it.”<sup>13</sup> “But little matters are what make and break poems, and if a teacher can make the poet aware of it, he has given him a generous shove in the only direction. In poetry, the big things tend to take care of themselves.”<sup>14</sup>

Lawyers must focus on the big picture. We must understand the facts and the law, and create writing that is accurate and thorough, logical and well-reasoned. But, smaller matters are also highly impactful. Paying attention to diction, employing rhetorical devices, even thinking about the impact of single-syllable words with a hard consonant ending, gives legal writers the tools they need to take their writing from communicative to persuasive.

In his chapter entitled “Nuts and Bolts,” Hugo offers pages of excellent suggestions to employ in thinking about the small matters, a couple of which particularly resonated with me (and likely none of which I have applied here):

“Make your first line interesting and immediate.”<sup>15</sup>

“End more than half your lines and more than two-thirds of your sentences on words of one syllable.”<sup>16</sup>

“Don’t use the same subject in two consecutive sentences.”<sup>17</sup>

“Don’t overuse the verb ‘to be.’ (I do this myself.) It may force what would have been the active verb into the participle and weaken it.”<sup>18</sup>

“Maximum sentence length: seventeen words. Minimum: one.”<sup>19</sup>

“No semicolons. Semicolons indicate relationships that only idiots need defined by punctuation. Besides, they are ugly.”<sup>20</sup>

11 *Id.* at 32.

12 *Id.*

13 *Id.*

14 *Id.*

15 *Id.* at 38.

16 *Id.* at 39.

17 *Id.*

18 *Id.*

19 *Id.* at 40.

20 *Id.*

“Make sure each sentence is at least four words longer or shorter than the one before it.”<sup>21</sup>

Hugo’s nuts and bolts may very well help lawyers in their lofty pursuit of moving writing from communicative to persuasive. Strategies such as varying lengths of sentences and ending sentences with single-syllable words are helpful to consider, especially when the writing will be read aloud, such as an opening or closing statement or a judicial opinion read from the bench. Remembering to pay attention not only to the meaning of words, but how they sound, is a worthwhile endeavor. Likewise, techniques such as starting an introduction to a brief with an attention-grabbing statement and varying the subject from sentence to sentence in a statement of facts may be highly impactful in persuading the reader.

### **Tell a compelling story.**

The innate human drive to tell stories also transcends varied types of writing. Lawyers are storytellers. Hugo’s book reaffirms how important the lawyer’s role is as guardians of our client’s stories. The book’s title comes from Hugo’s personal creative spark. He refers to the subject of the poem—the idea behind it—as the “triggering subject.”<sup>22</sup> For Hugo, “a small town that has seen better days often works” as a triggering subject, not because he knows a lot about the towns that trigger his poems, but because the towns provide a base from which his imagination can take off.<sup>23</sup> The “triggering subjects are those that ignite your need for words.”<sup>24</sup> It is easy to see how a poem can be a product of the poet’s emotional investment—that something in the universe or within the poet compels the poet to write the poem. Finding emotional investment in legal writing is often far more difficult. Lack of it, however, can result in writing devoid of persuasion and power, and an adverse result for the client.

Is there a “triggering town” for legal writing? As a practicing attorney, I encountered some highly contentious cases, some of which involved parties or arguments in which I did not wholly believe. Yet, there was always something I could find—some broader ideal or principle—I could get behind. That was my angle, and once I found it, I could begin to create a narrative of the client’s case from a compelling place.

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 5.

<sup>23</sup> *Id.* at 5–6, 12.

<sup>24</sup> *Id.* at 15.

The lawyer's triggering town can be found by looking at a case to glean the broad ideal or principle. It might also be found by looking at a case on a personal level. In his chapter "In Defense of Creative-Writing Classes," Hugo tells the story of a classmate in his high school creative writing class who read aloud an essay he had written about a time some older boys took him to a whorehouse and, despite his best efforts to appear cool and calm, he panicked and ran away.<sup>25</sup> Hugo observes that it was 1940, and the story the classmate told could have gotten him into trouble, but instead, the teacher applauded.<sup>26</sup> Hugo reflects on this moment as instilling in him an important lesson:

we realized we had just heard a special moment in a person's life, offered in honesty and generosity, and we better damn well appreciate it. It may have been the most important lesson I ever learned, and maybe the most important lesson one can teach. You are someone and you have a right to your life.<sup>27</sup>

He observes that he's "seen the world tell us with wars and real estate development and bad politics and odd court decisions that our lives don't matter. . . . A creative writing class may be one of the last places you can go where your life still matters."<sup>28</sup> An attorney has the same broad goal of instilling in his or her audience that the client's life matters. We tell our client's story to make their voice heard, and in so doing, give the client an opportunity to seek redress or redemption, to shape law or foment the zeitgeist.

Finally, Hugo's book reminds us that telling stories, regardless of in what genre, can have redemptive power. In fact, he shows this point best when he tells the story of how he came to write the poem "The Squatter on Company Land," the impetus of which was a legal proceeding. In the final chapter, entitled "How Poets Make a Living," Hugo recalls a story he heard from his supervisor at Boeing: the supervisor was tasked with evicting a couple who were squatting on company land, and his story of the situation inspired Hugo's poem.<sup>29</sup>

Although Hugo—a poet, not a lawyer—does not focus on the legal aspect of the story, I could not help but think about it from that lens. Hugo reflected on the possibility of the supervisor's complicated feelings

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<sup>25</sup> *Id.* at 64–65.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 65.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 102–04.

over being part of the eviction, imagining the supervisor “admired, almost envied,” the squatter because the squatter “was not civilized and I suppose basically no one wants to be civilized. In his own way, [the supervisor] was civilized and at what a price.”<sup>30</sup> I think part of what spoke to Hugo about the situation was the tension created between the rule of law and individual liberties, between societal norms and those who are content to buck them. This is a reminder that the writing we do as lawyers is part of a process that deeply impacts people’s lives, and touches on monumental philosophical questions that get to the core of the human condition. We write to shepherd our client’s stories through the legal process and to persuade others that our sought-after outcome is best and just.

Hugo says this is the only time he “found the initiating subject of a poem where [he] worked.”<sup>31</sup> After the poem was published, colleagues at Boeing responded positively to it.<sup>32</sup> In reflecting on his poem, “The Squatter on Company Land,” and the response to it, Hugo says,

I suppose I haven’t done anything but demonstrated how I came to write a poem, shown what turns me on. . . . But it seems important (to me even gratifying) that the same region lies untouched and unchanged in a lot of people, and in my innocent way I wonder if it is reason for hope. Hope for what? I don’t know. Maybe hope that humanity will always survive civilization.<sup>33</sup>

The poet can focus on the story of the squatters. He can, as Hugo did, embellish it, use it as a starting place for his imagination. The poet can take bits of truth and change them. The poet can make things up. Lawyers do not have such liberties. But lawyers have something else. The lawyer has the skills and expertise to execute the legal process and craft legal documents along the way. And, a good lawyer will do so with an acute recognition that the legal process has significant impact on the lives of the people involved.

In conclusion, why read *The Triggering Town*? It gave me new ways to think about the mechanics and techniques of writing, and renewed my faith in the intrinsic value of writing and writers. You, with your individual writing identity and processes, will likely find other lessons from Hugo. Either way, he is a good writer, which may be the most important point after all.

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<sup>30</sup> *Id.* at 104.

<sup>31</sup> *Id.* at 101.

<sup>32</sup> *Id.* at 104–09.

<sup>33</sup> *Id.* at 109.