

LEGAL WRITING



BACKGROUND

- Legal language is under pressure from many sources to become easier to understand
- Many states passed plain English statutes so that legal documents could be written in a language that could be understood by most people
- Lawyers litigating in federal court must adhere to "a short and plain statement of the claim" requirement (Federal Rules of Civil Procedure, Rule 8)

USING PROPER TONE

BASIC RULES

- Do not insult the reader by attacking either their intelligence or morals
- The desired goal is to have the reader consider the writer's point of view, not to cause hostility
- There is a fine line between being persuasive and challenging the court's authority
- Do not waste the reader's time with long-winded speeches
- A good statement is specific and concise; make your point by getting to the point

AVOID LEGAL JARGON

and/or: Do not use *and/or* unless you are asking a question • Use *one* or the other; if not possible, use "A, or B or both"

Comes now the plaintiff: This start of a complaint should be replaced by "The plaintiff (name) states..."

For the purpose(s) of: Replace with "for" or "under"

Further affixed (signature) with seal: Remove this phrase in lieu of: Use "instead of"

The fact that: Remove this unnecessary phrase

With respect to: Rewrite the sentence so that this phrase is not required

Note: Although "provided that" is not legal jargon, it is not necessary and adds to the length of a sentence

AVOID GENDER LANGUAGE

- Avoid gender bias by using gender-neutral terms
- Vary the writing style so that masculine terms are not used (unless addressing a specific male)
- Rewrite the sentence to eliminate the pronoun
- Based on a lawyer's wants to sound unbiased, she must... Correct: Lawyers who want to sound unbiased must... Repeat the noun as an option
- Example: If a lawyer wants to sound unbiased, the lawyer must... Make the antecedent noun plural
- Example: If lawyers want to sound unbiased, they must... Use the second person pronoun
- Example: If you want to sound unbiased, you must... Use he or she (or they) where appropriate
- Look for appropriate gender-neutral terms
- Examples: worker's (not workman's) compensation; firefighter (not fireman); police officer (not policeman)
- Do not begin a letter with "Dear Sir" unless you are certain that the reader is male • Add the position if you do not know the name or gender
- Example: Dear Human Resources Manager • Dear Attorney

PARAGRAPH CONSTRUCTION

- Paragraphs are groupings of ideas; to be effective, they must show unity, coherence, and emphasis
- Make sure that all paragraphs are constructed around a main thought or idea; unity of purpose is key
- Each sentence in the paragraph should be coherent (i.e., they form a chain of related thoughts)
- Sentences within the paragraph should be arranged in order of emphasis (i.e., important ideas start or end the paragraph)
- One-sentence paragraphs can be used as transitional sentences (i.e., they introduce the next main point) or concluding sentences (i.e., they complete the previous point)
- Paragraphs should be short enough to be readable; the length depends on the type of correspondence

ORGANIZATION OF THOUGHTS

USE PROPER TRANSITIONS

- Use organic transitions as often as possible
- They follow from the writer's thoughts
- They also summarize, highlight, and repeat important terms and phrases
- Example: A similar decision was reached in the Smith ruling. The Smith ruling can then be applied to the current case. The prior analysis leads to the following conclusion...
- Be sparing and precise with synthetic transitions
- They provide a change of direction from the previous point
- Change the words to that they are not repeated, and use the most appropriate term
- Consequentially: as a result, for that reason, then, thus
- However: but, by contrast, conversely, nevertheless, nonetheless, on the contrary, on the other hand, still, yet
- Therefore: accordingly, further, in addition, moreover, so

USE DESCRIPTIVE HEADINGS

- The heading should indicate the direction of the following statements for the reader
- Headings in briefs and memoranda should be clear and concise; they are helpful divisions
- Examples: Statements of Fact; Argument • Conclusion
- Headings for briefs should be persuasive, descriptive, and clear

USE FOOTNOTE PRECISELY

- Do not put required information in footnotes; information important to the reader should be placed within text
- Footnotes provide authoritative sources, findings of case interpretations, and elaborations on current arguments
- They should not introduce new ideas or concepts; current ideas; keep footnotes as brief as possible

PROPER FORMAT

- Follow the court's formal rules of format (e.g., page limit, divisions in subheadings)
- Courts can be very strict about their rules
- Do not misuse attention-getting graphics (e.g., using a combination of bold, uppercase, and underlined headings)
- Too many of these graphic devices can detract from the readability of the document; avoid capitalizing entire sentences
- Use bullets or dashes for informal lists; they provide the reader with information that is easy to follow, remember, and access

Pocket Guide To Legal Writing

Mary Lynn Rampolla



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Judicial Writing Chinua Asuzu,2016-05-04 To validate their institutional continuance as a branch of government writes Chinua Asuzu judges must make sound decisions They must also articulate and express those decisions efficiently and comprehensibly This book shows how This book will help judges arbitrators and other decision writers master the art and science of judicial writing A most welcome guide Judicial Writing A Benchmark for the Benchsets a high yet attainable standard of excellence for writing judicial decisions It will no doubt become the reference point for judging judges and their judgments Chinua Asuzu is that uncommon lawyer who wrote The Uncommon Law of Learned Writing His other works includeAnatomy of a Brief andFair Hearing in Nigeria A versatile arbitrator Asuzu served as an administrative law judge at the Tax Appeal Tribunal in Nigeria from 2010 to 2016 He is now the Senior Partner of Assizes Lawfirm a team of tax lawyers

Pocket Guide to Technical Writing William S. Pfeiffer,2001 This book is designed to give quick access to the essentials of workplace writing It is a guide to speed organization visual appeal and correctness in 16 different kinds of documents as well as guidelines for special topics like graphics speeches and e mails For speed this book gives you a 9 step process to write quickly and well For organization this book gives you a three part structure to organize all documents For visual appeal this book has tips for using white space lists and headings For correctness an alphabetized handbook on style and grammar is included Publisher

Legal Pocket Guide to American Shellfish Laws and Regulations Henry D. McCoy,2001

Pocket Guide to the Ear Albert L. Menner,2011-01-01 Diseases of the ear make up a large part of primary practice and can be challenging to diagnose and treat especially for clinicians whose knowledge and expertise in otology may be limited Concise and easy to read here is your guide to almost everything that can go wrong with the ears a brief clinical encyclopedia of ear disease The book is based on the author s more than 25 years experience in a thriving ENT practice and covers everything from proper equipment and examination methods to anatomy

and disorders of each region of the ear The clear and succinct text is packed with valuable tools you can utilize in daily practice and cuts through to important truths about ear symptoms diagnoses and treatment information that is not always taught in medical training programs This title is part of Thieme s acclaimed Flexibook series of clinical and basic science pocket guidebooks which are sold worldwide and have been translated into more than 20 languages Key features of this pocket reference Comprehensive Complete and sound advice on nearly every common and rare ear disease seen by primary care physicians Concise Key facts communicated in 145 pages Easy to read Bold print stresses diagnostic and treatment concepts and highlighted text emphasizes summary paragraphs and clinically important points Beautifully produced Over 40 full color photographs and illustrations Practical Includes a comprehensive glossary of terms as well as a top ten list of common clinical misjudgments and how to avoid them Designed to be read from cover to cover or as a reference when needed this 145 page book is an essential professional tool especially at a time when well trained gatekeepers are crucial to high quality healthcare Here is the pocket guide anyone who treats or diagnoses ears and hearing primary care physicians family practitioners pediatricians otolaryngologists audiologists and more needs to have at their disposal Residents and students rotating through ENT will be amazed at the wealth of information provided in such a succinct text The teaching, practice, and literature of shorthand. [With] Additions Julius Ensign Rockwell, 1885 **Legal Writing and Analysis in a Nutshell** Lynn Bahrych, Jeanne Merino, Beth McLellan, 2017 Softbound New softbound print book *American Reference Books Annual* Bohdan S. Wynar, 2006 1970 issued in 2 vols v 1 General reference social sciences history economics business v 2 Fine arts humanities science and engineering **A Practical Guide to Legal Writing and Legal Method** John C. Dernbach, Cathleen S. Wharton, Joan M. Ruhtenbert, 1994 The second edition has the same accessible format as the first it divides the process of thinking and writing about legal problems into steps explains the steps illustrates good and bad ways of applying the steps and provides focused exercises to reinforce good legal writing skills Three new appendixes two trial court briefs and a second memo have also been added The methods and writing skills in the book teach and reinforce the basic skills for thinking like a lawyer Complimentary Teacher s Manual available for quantity orders by professors and law schools *American Book Publishing Record*, 2006 *Vest-pocket Guide to Business Writing* Deborah Dumaine, 1997 Fast accurate answers to all your business writing questions will be at your fingertips when you put this handy carry it anywhere resource to work for you Packed with practical guidance and real world examples it helps you write better business documents in half the time design proposals that get the results you want generate e mail that commands attention use new technology with confidence write with greater clarity and impact avoid redundancy stiff phrasing and bureaucratic writing make every word count handle complex technical topics with ease learn the fine art of sending bad news avoid embarrassing mistakes in grammar and usage organize formal documents for impact use visuals to maximum effect and choose the best formatting techniques **Pocket Guide to Technical Communication** William S. Pfeiffer, 2007 This handy reference is ideal for

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Legal Terminology S. Whittington Brown, 2006 Legal Terminology for Legal Professionals serves a host of professionals from attorneys and law students to paralegals and court reporters These professionals will welcome this learning guide and reference tool of over a thousand complex legal terms defined in accessible language and further explained through the use of succinct examples In contrast to a dictionary format the narrative format employed groups related terms by topic specific chapters For example in the chapter on domestic relations terms and phrases students will follow a relationship from a couple s first meeting to dating moving in together marrying having children contemplating divorce and divorcing This book gives legal professionals insight into the many terms and phrases they will be expected to know and use in order to succeed in their field

The Legal Writing Handbook Laurel Currie Oates, Anne Enquist, Kelly Kunsch, 1993

Current Publications in Legal and Related Fields, 2007

A Pocket Guide to Writing in History Mary Lynn Rampolla, 2012-03-01 An essential writing reading and research tool for all history students A Pocket Guide to Writing in History offers a best selling combination of concise yet comprehensive advice in a portable and accessible format This quick reference guide provides a practical introduction to typical history assignments exercising critical reading skills evaluating and documenting sources writing effective history papers conducting research and avoiding plagiarism Building on its time tested approach the seventh edition offers expanded hands on guidance for writing and researching in the digital age and additional coverage on working with primary and secondary sources

Subject Guide to Books in Print, 2001

Legal Pocket Guide to Ownership of Aquatic Animals and Plants Henry D. McCoy, 2001

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