Writing for the Legal Audience
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Wayne Schiess

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Wayne Schiess
If you want readers to understand, you can’t simply throw words at paper; you’ve got to aim them at someone. The main reason why so many people find legal writing unclear is that it wasn’t written for them. Most legal writing isn’t written for anybody at all. Most legal writing is written to get it written. There. I’ve done it!

—David Mellinkoff, *Legal Writing: Sense and Nonsense* 65 (West 1982).
Introduction

My goal is to improve the writing of lawyers and law students.

I don’t think legal writing is always bad. Often it’s good enough. But it could be much better. I believe that the best way to improve legal writing is to teach lawyers and law students to focus more carefully on the audience—those who must read what we write. Too often we lawyers and law students churn out documents in a mindless, rote fashion, without thinking much about the people who will have to read them:

• If we are writing a motion, we create a document that looks like a motion—or like all the other motions we’ve seen—and we do not much care whether it will be easy to read and understand.
• If we are drafting a disclaimer, we cram in all the necessary legal concepts, and we do not worry about whether the consumer will be able to understand it.
• If we are writing a letter, we make sure it sounds lawyerly, whether we are writing to a client, to opposing counsel, or to a prospective employer.

I aim to change that. Lawyers can no longer write in one style; we must adapt to the needs of our many different audiences.

That’s why 11 of the 12 chapters here offer specific, practical tips for writing to eleven common legal audiences. The tips focus on everything from word choice to punctuation, from document design to organization, and on much more. To improve your legal writing and to adapt to your audiences, you can use this book in two ways:
as a general guide to better legal writing and as a reference for particular legal documents.

First, I believe that if you read it cover-to-cover you will improve your legal writing in many ways. I have tried to be as thorough and as contemporary as possible in explaining the principles of good, audience-focused legal writing. The tips are current, and I’ve used typical examples with before-and-after versions, including explanations of the changes.

Second, if you are in the middle of a writing project, you can turn to the chapter that focuses on the audience you are writing for. You’ll find practical tips for improving the particular document you are writing.

So I invite you to take up the challenge to improve your legal writing by paying attention to the needs of the audience. Write and draft so that the audience understands—and even enjoys—what you’ve written.