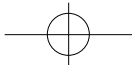
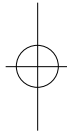
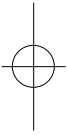


# Writing for the Legal Audience



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Wayne Schiess

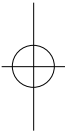
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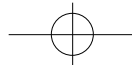
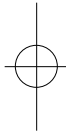
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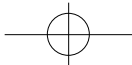
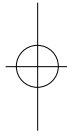
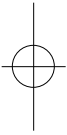
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*For Kimberli*





# Contents

Acknowledgments	xiii
Introduction	xv
<b>Chapter 1. A Word about Citation</b>	<b>3</b>
1. I've used a new citation manual.	3
What makes the ALWD Manual better.	4
What makes ALWD Manual citation form different.	5
2. I've written so that you won't need to check the citations.	7
<b>Chapter 2. Writing to the Prospective Employer</b>	<b>11</b>
1. Aim for perfect prose.	11
Grammar, punctuation, and spelling.	13
Strong, direct words instead of intensifiers.	14
The right word.	14
2. Be concrete.	15
3. Be accurate and honest.	19
<b>Chapter 3. Writing to the Supervisor</b>	<b>21</b>
1. Answer questions directly.	22
Avoid delay.	23
Avoid unnecessary hedging.	25
2. Be succinct.	27

viii • Contents

---

3. Be thorough.	30
Never turn in a “draft.”	30
Have a trusted colleague read your memo.	31
Pay attention to what you were asked.	31
<b>Chapter 4. Writing to the Email Recipient</b>	<b>33</b>
1. Think; pause; think again; send.	34
Think about whether you should send an email message at all.	35
Pause long enough to review the message and correct writing errors.	36
Send a clear message in every part of the email.	38
2. Don’t distract with formatting.	39
Put questions up front.	39
Don’t use trendy figures or symbols and avoid overblown punctuation.	39
Use short, block-style paragraphs, with double-spacing between them.	40
3. Improve your confidentiality warning.	41
A Final Word.	44
<b>Chapter 5. Writing to the Client</b>	<b>45</b>
1. Avoid legalisms.	46
Examples of legalisms.	47
2. Cut formal legal citations or simplify them greatly.	48
Option A: Omit citation to legal authority altogether.	49
Option B: Put the citations in footnotes.	49
Option C: Use a shortened form of the citation.	50
3. Use a colloquial tone.	51
<b>Chapter 6. Writing to Opposing Counsel</b>	<b>55</b>
1. Don’t antagonize.	56
Plaintiff’s counsel’s perspective.	57



Defense counsel’s perspective.	61
2. Be specific.	64
Plaintiff’s counsel’s perspective.	64
Defense counsel’s perspective.	66
3. Think ahead.	68
<b>Chapter 7. The Mediator</b>	71
1. Write to learn.	72
2. Be brief but not brief-like.	73
3. Make information accessible.	76
Put a summary up front.	77
Summarize facts into a narrative.	78
Design documents with white space and clear formatting.	79
<b>Chapter 8. Writing to the Trial Judge</b>	83
For Motions	84
1. Use a bold synopsis.	84
Before—a typical first page.	85
After—with a bold synopsis.	86
Before—a typical opener.	86
After—with a bold synopsis.	87
2. Organize overtly.	87
Section headings.	87
Enumeration and tabulation.	88
3. Be honest.	90
Be honest about the facts.	91
Be honest about the law.	91
For Affidavits	92
1. Use the bold synopsis.	93

x • Contents

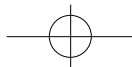
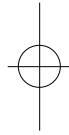
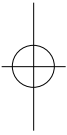
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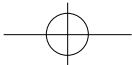
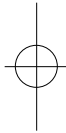
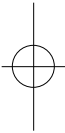
2. Use headings to ease the reader's way.	95
3. Create a neat, clean look by eliminating formulaic clutter.	97
<b>Chapter 9. Writing to the Appellate Judge</b>	<b>101</b>
1. State a well-framed issue up front.	102
2. Use transitions and connectors.	105
Original	105
Revision	106
3. Stay away from personal attacks.	108
Attacking judges is a bad idea.	108
Attacking opposing counsel is bad idea.	109
<b>Chapter 10. Writing to the Consumer</b>	<b>111</b>
1. Translate jargon.	112
2. Target readability.	114
Type.	114
Word and sentence readability.	115
Using "you."	117
3. Test the text on the audience.	117
A possible revision.	118
<b>Chapter 11. Drafting for the Transactional Lawyer</b>	<b>121</b>
1. Seek answers to drafting questions.	122
The serial comma.	124
"Whereas" recitals.	124
Use of "and/or."	125
2. Beware of "shall."	127
3. Use forms for substance, not style.	130
<b>Chapter 12. Writing for the Citizen</b>	<b>133</b>
1. Format for easy reading.	134

Contents • xi

---

Use a readable typeface.	134
Break up long blocks of text.	135
2. Avoid legalisms and formality.	136
3. Use short sentences.	137
The revision.	138
<b>Chapter 13. Conclusion</b>	<b>139</b>
Index	141





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But most important, I want to thank my wife Kimberli. I would not have written this book without her; she has always had confidence in me, and she patiently supports me in all that I do.

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:

## xvi • Introduction

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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.