

The Complete Legal Writer lives up to its name: it presents a comprehensive, fresh, and intuitive approach to teaching legal writing that invites students to confidently and enthusiastically cross the divide between their prior writing experiences and the world of legal writing. By giving students the tools they need to critically examine the documents that lawyers write, the authors' genre-discovery approach empowers students to meet (and exceed) the expectations of their new reading audience, even when they are faced with the challenge of writing a document they may not have seen before. With the text's warm tone, humorous touches, and vivid examples, the authors have hit a homerun that will engage faculty and students alike while arming students with skills they will use throughout their professional lives.

Ruth Ann McKinney

Emerita Professor of Law
University of North Carolina School of Law

The Complete Legal Writer offers a fresh and creative take on the basics of legal writing. I have used its approach to genre discovery to give students the tools to write any kind of legal document. This book is smart, accessible, and thorough. Students will want to hang onto this book and have it within arm's reach as they continue law school and head out into practicing law.

Anne Ralph

Clinical Professor of Law
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This uniquely reader-centered text indeed empowers students to grow into complete legal writers. The authors gently yet firmly guide students through “genre discovery”: careful study of sample legal documents, by which students construct for themselves the conceptual frameworks that writers of such documents need. Students thus till the soil, plant seeds of understanding, and harvest their own insights—and thereby enjoy “ground-up” rather than “top-down” learning that is refreshingly autonomous and remarkably effective.

Craig T. Smith

Assistant Dean for the Writing and Learning Resources Center
and Clinical Professor of Law
University of North Carolina School of Law

The Complete Legal Writer promises much and delivers more. The text covers fundamental concepts including legal logic and analysis, research methodology, the writing process, and citation literacy. The overall tone is refreshingly readable and will undoubtedly resonate with students. What sets the text apart is not the wide variety of sample legal documents offered, but its potential to equip students with a method of evaluating all documents/genres using an approach that will prepare them to write and ultimately to practice more effectively. The rhetorical legal genre approach is quite a discovery, and no law library collection would be complete without this book.

Law Library Journal (2016)

The Complete Legal Writer

The Complete Legal Writer

Second Edition

Alexa Z. Chew
Katie Rose Guest Pryal



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Online Materials

Additional content for *The Complete Legal Writer* (Second Edition) is available on Carolina Academic Press's *Core Knowledge for Lawyers* (CKL) website.

Core Knowledge for Lawyers is an online teaching and testing platform that hosts practice questions and additional content for both instructors and students.

To learn more, please visit:

coreknowledgeforlawyers.com

Instructors may request complimentary access through the “Faculty & Instructors” link.

Preface

Welcome to the second edition of *The Complete Legal Writer*. Like most authors, we hoped the first edition would be the best book it could possibly be. And then, after years of teaching with it, we realized that it could be even better. We recognized that our book had features that could be improved, and we started on the hard work of revision.

At the same time, we wanted to preserve what worked best about the first edition. We did not want to change what made the book strong in the first place. We knew that we had earned the trust of those who adopted the first edition, and we didn't want to present them with an entirely new text and the accompanying course-planning nightmares.

Therefore, we approached this revision with the principle of keeping the chapters as close to their original structure as we could, and we're glad to say that we were successful in our mission. Most chapters in this second edition have the same chapter numbers, chapter titles, and essential chapter content. All, however, have been updated and improved. We are also pleased to say that the book has not grown much in length—we streamlined some chapters to make room for new content.

If you are not already familiar with *The Complete Legal Writer* and you would like to learn more about it, please read on to the Preface to the first edition of the book.

Here are some of this edition's major updates.

Highlights of Major Updates

Here is a brief list of some of the major updates you will find in the second edition of *The Complete Legal Writer*.

- In Chapter 5, Legal Analysis, we expanded instruction in the use of analogies and distinctions and in rule synthesis.
- Chapter 6, Assessing Authorities, contains extensive revisions to help students determine whether authority is binding, and to help students weigh authorities against one another.

- In Chapter 8, Analysis Structure, we expanded instruction on elements and factor tests and revamped instruction on the cascading analysis structure.
- In Chapter 20, Use Your Document Map, we built upon the foundation of the pre-existing Chapter 20 to create a guide that walks students through how to use the document maps they've made.
- Chapter 22, Research Authorities, received extensive revisions to better guide students through the legal research process, including by describing more secondary authorities.
- Chapter 26, Write an Analysis, expanded instruction about how to write “funnels,” or the passages of legal documents that include procedural rule passages, substantive rule passages, conclusory analyses, and roadmaps.
- Chapter 29, Revise Your Document, builds upon the former “Arrangement” chapter and gives new, expanded guidance for the revision process.
- Similarly, Chapter 30, Edit Your Document, builds upon the former “Style” chapter and gives new, expanded guidance for the editing process.
- Chapter 31, Giving Feedback, is a completely new chapter. This chapter walks readers through the major considerations when giving feedback and describes some techniques for identifying feedback, choosing the best feedback to share, and choosing how to best communicate that feedback.
- Chapter 33, Peer Feedback, now has more detail, including bullet-pointed instructions for conducting simultaneous peer feedback.
- Appendix: Online Legal Research Platforms is completely new content and is meant to supplement the research chapters. The appendix explains how online legal research platforms like Lexis and Westlaw work to return search results. It provides an overview of what's happening behind the screen when you use online legal platforms to search for legal authorities. Knowing how online platforms are organized and operate, even at a general level, will help readers research more effectively on any platform.

We are proud of how much this book has grown in its ideas (even as it has scarcely grown in page count—a feat we are also quite proud of). We are proud that the first edition was so well received by such a wide variety of legal professionals: from legal writing professors to appellate attorneys, and from law librarians to litigators. When we set out to write *The Complete Legal Writer*, our goal was for it to be, at its core, useful. We believe we accomplished that goal.

With this second edition, we have the same goal—to write a useful book, improved with what we've learned since 2016 and updated with new information about our ever-changing profession. We aimed to write a book that will help new law students learn the discourse of law; to help advanced law students enter the profession with confidence; to help new lawyers create professional documents; and to help senior attorneys be better mentors. We believe we have succeeded.

If you have suggestions for how to make *The Complete Legal Writer* more complete still, we welcome them. You can find our current contact information on the University of North Carolina School of Law website.

Acknowledgments

Writing a book, even the second edition of one, is an enormous undertaking, one that we could not do without the help of our friends, families, and colleagues.

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And to Craig Smith, for being the mentor and champion we needed on our Complete journey. Every writer should have the kind of unwavering encouragement that Craig has given us.

If we have missed anyone, please know how much we appreciate your support and input—and we hope you will let us know about our oversight so that we can make our list complete!

Alexa Z. Chew
Katie Rose Guest Pryal
Chapel Hill, NC
May 26, 2020

Preface to the First Edition

You're probably familiar with genre fiction such as romance, science fiction, and fantasy. Perhaps you're a fan of a particular genre of movie, like romantic comedy, horror, or superhero. But legal genres? What are those?

This book is built on the premise that all texts can be viewed as genres. A **genre** is a recurring document type that has certain predictable conventions. **Conventions** are the *parts* of a genre and the *ways* that audiences expect a genre to be written. Conventions are like the “rules” of a genre, but these rules are both flexible and ever-changing because the audience's expectations are also flexible and ever-changing (which is one reason why we don't use the term “rules” to refer to genre conventions).

If all texts can be viewed as genres, then all texts can be studied as genres. Because a genre is a *recurring* document type, we can study multiple samples of a genre to figure out what the genre's conventions are. And because the conventions of a genre are *predictable*, we can identify conventions by spotting patterns among sample documents. Then we can use those patterns to write our own documents that follow the conventions of the genre. In fact, lawyers in practice have been writing in this fashion for decades every time they use a sample or “go-by” to help them write an unfamiliar legal document type.

Viewing legal document types as genres allows legal research and writing (LRW) professors to teach legal documents in a fashion LRW professors are familiar with, but with one radical change. Because legal document types are genres, genres and their conventions are discoverable by *anyone* who possesses the skills of discovery. Thus, while we as LRW professors are teaching our students how to write office memos, client letters, and appellate briefs we can—with just a few tweaks to our teaching methods—simultaneously teach students how to discover *any legal document type* in the future. Our students can learn the transferable skill of **genre discovery**: how to study samples of a genre to teach oneself to write an unfamiliar genre.

Armed with genre discovery, our students will know what to do when they encounter a document no one has ever taught them before—either in a future law school course or in the workplace. They will discover the genre's conventions by using samples and turn those conventions into a document that meets the audience's expectations of that genre.

Thus *The Complete Legal Writer* teaches students how to write legal documents they haven't been taught to write, legal documents that we don't have a chance to teach them in our LRW courses. But if we teach them genre discovery, our students will be prepared to write anything.

What's Familiar in *The Complete Legal Writer*

This notion of genre discovery undergirds familiar approaches to teaching legal research and writing. The book provides a foundation for students, explaining concepts that every student needs to learn early in her 1L year, such as legal reasoning and sources of U.S. law. The book also guides students through the writing process, from the earliest brainstorming stages through writing analyses and using effective style.

Thus, professors and students alike will find everything they need in a legal research and writing textbook. Any terms that may be unfamiliar to 1Ls are bolded in the text and defined in an easy-to-use glossary. Our aim was to create an approachable and practical text that would help law students during their 1L year and beyond. Here's how we approached familiar content.

Legal Authorities

The Complete Legal Writer describes the sources of U.S. law, the structure of the U.S. government, and how primary authorities like cases and statutes are created. The book describes in detail the genre of the judicial opinion and provides practical advice for learning to read opinions effectively.

Legal Analysis

The Complete Legal Writer covers many legal reasoning tactics to help students write effectively: syllogistic reasoning, C-RAC and how the structure implements legal logic, analogical reasoning, policy reasoning, extracting rules from authorities, synthesizing rules, applying rules to facts to reach conclusions, and more.

The book uses extended examples throughout the book, making the book more accessible to students because they do not need to relearn facts and law to learn new concepts. The book provides cues for visual learners to accompany the text, such as charts and diagrams, which illustrate the thinking process behind concepts such as extracting and synthesizing.

Writing Process

The Complete Legal Writer provides a robust writing process section, drawing on the authors' expertise in composition theory. The writing process section begins with the very beginning of writing a document, including steps such as brainstorming and outlining, and works through the steps of writing a legal document, ending with considerations such as style, revision, and document design (e.g., font selection, margins, and writing for digital formats).

Samples of Briefs, Emails, Letters, Memos, and More

For every genre covered in *The Complete Legal Writer*, the book provides three samples of the genre. Because the genre discovery approach relies heavily on samples, each sample was carefully drafted by the authors and is of exacting quality.

What's New in *The Complete Legal Writer*

In addition to the familiar material that legal research and writing textbooks need, *The Complete Legal Writer* provides many innovations for legal research and writing professors to help their students succeed.

The Genre Discovery Approach

The Complete Legal Writer uses the genre discovery approach to teach law students how to write: it teaches students to *guide themselves* through the process of writing unfamiliar legal documents. Using this inductive method, the book coaches students through finding samples of a document type (a genre), analyzing the samples to discover what they have in common, and then using these discoveries to write their own legal documents.

To aid in this process, the book provides three samples for each type of document covered in Part 2 of the book. (Furthermore, because the process works with any sample, professors can—but need not—supplement the textbook with more samples of their own.) And because samples are such a crucial part of the teaching of genre discovery, the samples in *The Complete Legal Writer* are of exacting quality.

Furthermore, the samples follow two interesting cases through the litigation process, beginning with office memos and continuing all the way through appellate opinions and even blog posts about those opinions. (See “The Genres Covered,” next.) The law of the genres is accessible, the facts are memorable, and the recurrence of the cases from chapter to chapter reduces the cognitive load on students. Students can focus on the genres themselves, rather than on learning new law for each new genre.

The Genres Covered

The genres covered in Part 2 of *The Complete Legal Writer* follow the litigation life cycle. The book covers eleven genres, with three samples provided for each genre.

The first genres assess a case prior to filing a complaint or a motion: office memo, email memo, client letter, and demand letter. Next are the documents that lawyers file with courts at the trial level: complaint, trial motion and brief, and motion hearing. Lastly are appellate genres: appellate brief, appellate oral argument, and appellate opinion. Included throughout are oral and judicial genres. Also included is the Employer Website Blog Post (Chapter 19), a genre that lawyers use to announce trial outcomes and comment on recent developments in the law.

Each chapter in Part 2 is structured the same way. Each begins with a rhetorical analysis of the genre, examining audience, purpose, and persona. Each then presents three samples of the genre. As discussed previously, in order to reduce the cognitive load on students, the three samples in every project chapter tend to track the same three clients. Thus, the client 1 sample in the office memo chapter contains the same facts and law as the client 1 sample in the email memo chapter, and so on. Lastly each chapter guides readers through the process of genre discovery that readers first learn about in Chapter 3, Legal Genres.

Rather than thinking of genres as “objective” or “persuasive,” the book encourages students to think of them in terms of audience. Who is the target audience of your document? Who else will be reading or hearing it—in other words, who are your secondary

audiences? Is the genre intended for an insider audience (those on your side of litigation) or an outsider audience?

Naturally, we do not expect professors to teach every genre covered in this book in a single course. But we do believe it is important that professors be able to choose from a wide variety of document types when designing their courses, and that they be able to use the same book across multiple semesters to save on student costs.

By that same token, this wide coverage also makes *The Complete Legal Writer* useful as an upper-division writing textbook. It would work well, for example, in legal research and writing programs that have a three-semester course. It will also serve law students well as they move into practice. Indeed, if upper-level students are unfamiliar with the genre discovery approach, then *The Complete Legal Writer* can teach them this valuable transferrable skill. Plus, the book provides a good refresher on citation, research, and legal analysis.

Research and Citation

The Complete Legal Writer presents research and citation as integrated components of the writing process by helping students develop “citation literacy” early in their law school careers. The book also teaches students how to integrate citations into their research and writing. It focuses on the important roles that citations play in legal documents, such as helping build the credibility of the writer in the eye of the reader. Students learn to cite while they learn to write, in a scaled fashion, thus tempering the frustration that often accompanies learning legal citation.

The Complete Legal Writer integrates research into the legal reasoning and writing process rather than treating it as an independent process. In Chapter 2, Legal Authorities, the book introduces sources of law. Then, in Chapter 6, Assessing Authorities, after students have been introduced to legal logic and analysis, students learn how to tell if an authority provides strong support for a legal assertion. Chapter 7, Legal Reading, provides a primer on how to read court opinions and statutes to find authorities for legal assertions. Thus, before students have finished reading Part I of the book, they will have a firm grasp of where law comes from, how to assess its weight, and how to read it and use it in their own writing.

In Part 3, Composing Legal Documents, students put this knowledge to work by writing their own documents. Chapter 21, Brainstorm and Outline, teaches research as a recursive step when writing a legal document, encouraging students to “research to write” when they get writer’s block, for example. Chapter 22, Research Authorities, offers in-depth coverage of research strategies that can be adapted to whatever legal question a student must answer. Chapter 28, Cite Authorities, explains how to keep track of citations while writing, how to use signals and explanatory parentheticals to provide accurate support for claims, and how to use citation manuals like *The Bluebook* or the *ALWD Guide* to format citations.

Giving and Receiving Feedback

The Complete Legal Writer covers a skill that is essential for all legal writers: giving and receiving feedback. The book explains how to give feedback to and receive feedback from peers, an important skill given the rise of peer-review practices in the legal research and writing classroom.

The book also covers how to receive feedback from professors and workplace supervisors. It teaches students how to effectively implement feedback that they receive on particular documents to improve both those documents and future documents. It also teaches students how to prepare for conferences with professors and with workplace supervisors.

Additional Teacher and Student Support

To support teaching with and learning from *The Complete Legal Writer*, we provide a robust Teacher's Manual. We also provide a Companion Website (CompleteLegalWriter.com) with materials developed by us, the authors, to support professors and students.

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