

7 Tips to Improve Your Legal Writing

(I). Always, always, always outline.

A logical structure and easy to follow presentation of the information are the hallmarks of good legal writing. Outlining your thoughts before you start writing is the best way to help you produce a clear, well-organized document. The more complex the assignment, the more thorough and detailed your outline should be. While an outline for a timed essay exam may consist of only a list of the issues with a few key facts, an outline for a long research memo or brief should lay out the legal principles and arguments in detail and in the proper order.

(II). Give yourself time to write multiple drafts.

No one writes a perfect draft on her first try – take it from author EB White who said “the best writing is rewriting.” Although you won’t have this luxury on an exam, you should start your other writing assignments early enough to give yourself time to go through multiple drafts and make edits. The best strategy is often to put away each draft of your writing assignment for a day or two between edits, so that you can review it with a fresh eye each time. You should also try reading a draft out loud. It’s easy to skim over a grammatical mistake or overlook a poorly written section when you’re reading through a draft for the tenth time, but it’s harder to ignore these mistakes when you hear yourself saying them out loud.

(III). Keep it short and sweet.

The strongest legal writing is direct and succinct. You’re not getting paid by the word, so there’s no need to use two words when one will do. Excise as many unnecessary words as you can and your final work product will likely be clearer and more persuasive. For example, instead of saying “the knife was in Defendant’s possession when he was arrested by the officers,” try shortening it to “The officers arrested Defendant with a knife.” The second sentence has almost half as many words as the first, but it conveys the exact same meaning.

(IV). Write so that anyone will understand.

Simplicity is a virtue in legal writing. Whether it’s your professor trying to get through 70 exams or a Judge working through huge summary judgment briefs, they will appreciate writing that is concise, clear, and easy to follow. So get rid of the legalese, the convoluted sentences, and the flowery language. You’re writing a brief not a poem.

(V). Avoid adverbs.

One easy way to strengthen your writing is to nix the adverbs. Adverbs are words that modify an adjective or verb and usually, but not always, end in –ly. In legal writing, adverbs tend to be an unnecessary **embellishment that do nothing to drive your point home**. For example, instead of saying “Defendant was driving *very* fast prior to the collision” you can simply say, “Defendant was driving fast prior to the collision.” Adverbs can also be redundant, such as “Plaintiff *completely* rejected the proposal,” which is really the same as “Plaintiff rejected the proposal.”

Get in the habit of eliminating adverbs from your legal writing and your final product will be stronger and more concise.

(VI). Be wary of the passive voice.

The passive voice occurs when the object of an action is written as the subject of a sentence. You can often identify it by looking for a form of “to be” followed by the past participle of a verb, such as “Plaintiffs have been damaged by the breach” or “Defendant was arrested by the officer.” Passive voice is not grammatically incorrect and depending on what you’re trying to emphasize, the passive voice might be the right option. But use of the passive voice can sometimes cause confusion or excessive wordiness, so you should be wary of it in legal writing and only use it when it’s a conscious choice.

(VII). Make time to write every day.

Whether you’re studying during the semester or working at a summer clerkship, you’ll probably have one, if not multiple, writing assignments hanging over your head. Good legal writing takes hard work and practice, so try to set aside some time each and every day to work on your writing. Some days you may get a lot accomplished, and some days you may only get a sentence or two, but if you’re consistently putting in the effort to improve your writing, you’ll eventually see it payoff in your final product.

Strong writing is a key component to excelling in law school, and as a lawyer. Great legal writing is never easy, but if you implement these strategies you’ll be on the right track to improving your writing skills.

Tips from Jennifer Warren

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