

THE ROAD TO GOOD LEGAL WRITING



1. The best things in life are FREE!



Writer's block is a problem that even the best legal writers face.

One strategy to help get past writer's block is to allow yourself to freely write down everything that comes to mind about the topic you are trying to write about.

Once you are done free-writing, look at what you wrote. You will be surprised how much good stuff is in there!



2. The stress position should not stress you out!

Use the stress position to emphasize your point.
The stress position is the last part of a sentence.

Don't be afraid to start a sentence with
"because."

Examples

1) The evidence will probably be excluded
because the police acted in bad faith.
This sentence emphasizes that the police
acted in bad faith.

2) Because the police acted in bad faith, the
evidence will probably be excluded.
This sentence emphasizes that the evidence
will probably be excluded.

Structure the sentence based on what point you
want to emphasize to the reader!



3. Check for zombies!

If you add “**by a zombie**” to the verb in your sentence and the sentence makes sense, you are writing in **passive voice**.

Example: 1) The argument was rejected **BY A ZOMBIE**
This is passive voice.

2) The court rejected ~~BY A ZOMBIE~~ the argument
This is active voice.

DO YOU REALLY NEED TO KILL YOUR ZOMBIE?

Passive voice does not always need to be edited into active voice. Passive voice is sometimes useful for effect. In example 1, passive voice may be useful if you do not need to include that it was the court who rejected the argument. You should only be concerned about passive voice when you use it too often or where it impacts clarity.



4. Start with a Chart!

CASE CHART:

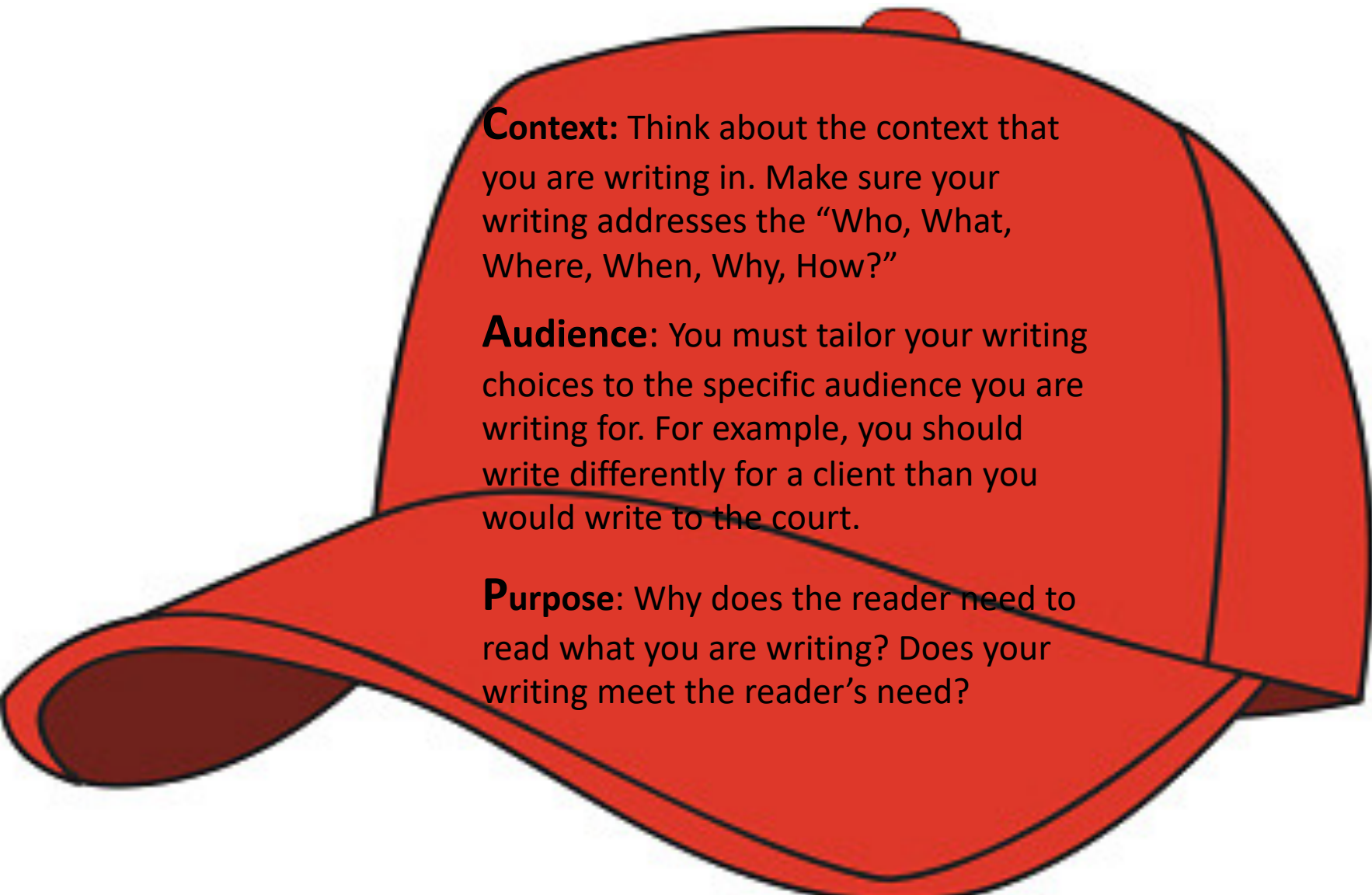
Case charts are a helpful way to organize your case law. For example, you can chart your cases using columns such as facts, issues, result, reasoning, legislation, relevance.

Charts are an extremely helpful pre-writing strategy that will help you organize your research.

FACTORS CHART:

When making a factors chart to organize relevant factors the Court will consider when evaluating a legal question. Once you've figured out the relevant factors, you can apply the court's treatment of those factors in other cases to your case to determine a likely outcome.

5. CAPs are stylish *and* helpful

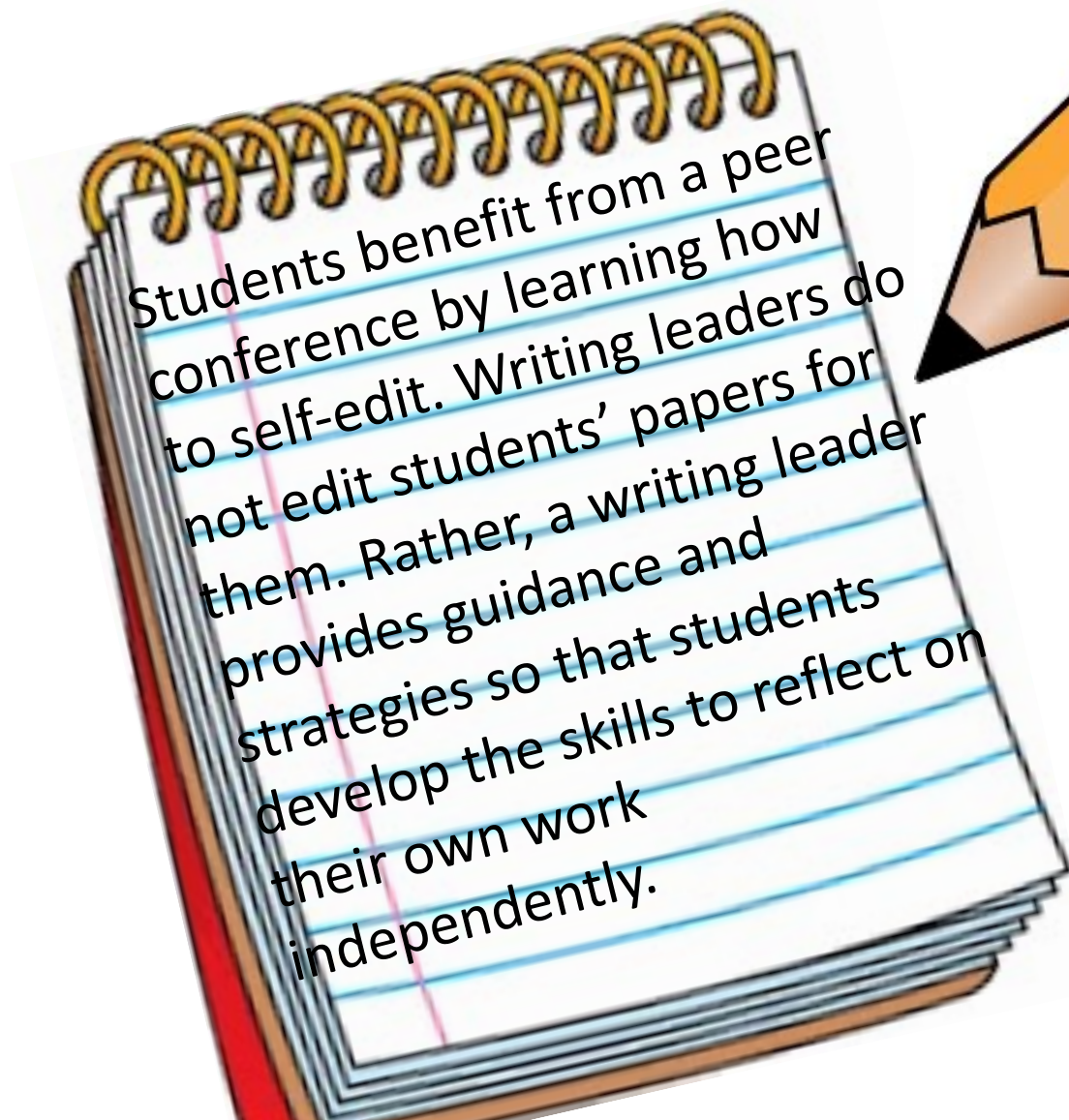


Context: Think about the context that you are writing in. Make sure your writing addresses the “Who, What, Where, When, Why, How?”

Audience: You must tailor your writing choices to the specific audience you are writing for. For example, you should write differently for a client than you would write to the court.

Purpose: Why does the reader need to read what you are writing? Does your writing meet the reader’s need?

6. Writing Leaders don't edit so students can get it



Students benefit from a peer conference by learning how to self-edit. Writing leaders do not edit students' papers for them. Rather, a writing leader provides guidance and strategies so that students develop the skills to reflect on their own work independently.

7. Overview? Yay for you!

An overview is an effective structural tool that provides your reader with a roadmap of your analysis.

Usually your overview will summarize the steps the court will take when determining a legal question, including a summary of any legal tests the court will apply.



8. Your headings should head in the right direction



DESCRIPTIVE HEADINGS

Organize your writing with descriptive headings that tell your reader what that section is about, including your conclusion on that topic. Descriptive headings should be no longer than one or one and a half sentences.

Which heading is more effective?

- 1) The boundary tree is almost certainly a boundary tree.
- 1) The black walnut tree is probably a boundary tree because the trunk grows on Ms. Long's property.

9. Avoid “it is” and “there are” if you want to be a writing star

Sentences that start with “it is” and “there are” make the reader wait to figure out what you are trying to say. Be kind to your reader! Use point first writing and structure your sentences with S-V-O.

Editing tip: search “it is” and “there are” within your document

S
V
O

Replace “it” or “there” with the true subject of your sentence. The verb of your sentence should be placed closely after the subject, followed by the object.

10. Plan ahead so you can get to bed!



Budget your time!
Estimate how long each task will take you and schedule accordingly. Some tasks will take you more or less time than you expect. Try and be flexible when making your schedule so you can adjust the schedule as you need to.