

Reading maketh a full
man; conference a
ready man; and writing
an exact man.

Sir Francis Bacon

foreword

In many professions it is sufficient to perform a task, such as the athlete who plays a game or the artist who paints a portrait. The legal profession, however, rests on communication and requires its professionals not only to know the law but also to write about it. Legal writing takes many forms. Some documents, such as internal office memoranda, are intended to explain the law to the reader. Other documents, such as court briefs, are intended to persuade the reader. No matter what the form of the document, however, it must be accurate, clearly presented, readable, and concise.

The good news is that good legal writing is simply good writing. It should not differ greatly from other forms of writing. On the other hand, there are some quirks to legal writing that deserve special attention. Legal writing is more formal than other forms of writing. For example, the use of contractions is rare, and the use of the personal pronouns *I*, *we*, and *our* is uncommon (because the focus of a document should be on the client's position, not on the writer's opinions).

This Handbook is designed to be a thorough guide that legal writers can use to answer not only the "big" writing questions (such as determining the elements of a court brief) but the many "small" questions that continually occur during the writing process (such as when a comma precedes the words *and* and *but*, when the word *court* should be capitalized, and when the writer should indent quotations).

The Handbook begins with the mechanics of writing: grammar, punctuation, and spelling. Errors in these technical areas will distract the reader and detract from your message. Once a writer has mastered or reviewed these basics, the writer will be ready to address the characteristics of effective legal writing, namely, the tools used to ensure writings are accurate, clear, readable, and concise. The next section of the Handbook is devoted to legal documents. The most commonly prepared documents in law practice are described: letters, memoranda, court briefs, pleadings, and transactional documents. Sample letters, a sample memorandum, and trial and appellate briefs are included. Sections on standard legal conventions and common legal blunders are included in Section Three. Finally, the Handbook concludes with a thorough treatment of proofreading and editing your work and

designing it to be visually appealing. The inside front cover shows you the brief table of contents and the inside back cover reminds you of the elements of a well-written project. Mark up your Handbook, put comments in the margins, and use sticky notes to flag frequently used sections.

Throughout the Handbook, references to helpful writing websites are given and exercises are provided to challenge your understanding and mastery of topics. Additional exercises are provided on a CD-ROM available from your instructor. To reduce clutter, examples are generally shown in italics rather than enclosed by quotation marks.

The Appendixes provide an overview of citation form, a guide for English as a Second Language learners, a sample appellate brief, answer keys for the Challenges in the Handbook, a Glossary of Terms used in this Handbook, a Glossary of Usage, describing and defining some frequently confused words in the legal profession, such as *affect* and *effect*, and a sample case brief.

As to citation form, Appendix A shows examples of frequently used citation forms. There are two primary guides on citation form: *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 18th ed. 2005) (*The Bluebook*), which is the oldest and perhaps still most widely used manual on citation form, and ALWD & Darby Dickerson, *ALWD Citation Manual* (3d ed., Aspen Publishers 2006) (*ALWD*, called "all wood"), created by the Association of Legal Writing Directors to provide an easy and efficient alternative to the user-unfriendly *Bluebook*. In many instances, the *ALWD* format for citations is identical to *Bluebook* format. Appendix A gives examples of some citations for both *ALWD* and *The Bluebook*, but this Handbook is not meant to be a citation guide. Additionally, although every effort has been made to refer to useful websites, those sites can change both their content and addresses without notice. References to websites are not endorsements of those sites.

This second edition of this Handbook includes several new features, including the following:

- New exercises and challenges to test mastery of topics discussed;
- Information on readability tests;
- Updated websites;
- New information on using reverse outlining to organize writing projects;
- Expanded information on preparing tables of authorities for court briefs;
- A project proofreading and editing checklist; and
- New sample documents, including a sample opinion letter in Chapter 6, a new sample legal memorandum in Chapter 7, a new sample trial court brief in Chapter 8, and a new sample case brief as Appendix G.

This Handbook is designed to be used as a supplement to the texts you use in your writing classes and not as a replacement for those texts. Use the Handbook to provide additional information on the writing process and to enhance your understanding of the preparation of various legal documents. Use the Challenges and supplementary exercises to test your mastery of the subject matter. A reference tool such as this Handbook introduces you to concepts you will study in more depth in

your legal writing courses and serves as a refresher of some writing basics you learned before you began your legal education. Thus, the Handbook serves as another tool in your writing arsenal and a complement to your assigned writing texts, which provide comprehensive information on legal analysis.

Finally, writing is a skill that you can master by repeated practice. If you are inexperienced at writing, keep practicing. Enjoy writing and understand that your writing not only says something about the topic you discuss but also something about you. Make sure your finished project is understood by the reader and reflects well on you.

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