

TOP TIPS FOR LEGAL WRITING

Good legal writing is a lawyer's stock-in-trade. Use these tips to up your writing game.

—Professor Ellie Margolis is a published expert on appellate brief writing and advocacy.



- 1 MAKE IT EASY FOR YOUR READER:** Legal readers are busy. They don't want to have to stop and think to figure out what you mean or why you are saying it. What do they need from your document? How can you make it easy? All other advice flows from this.
- 2 STATE YOUR MAIN POINT UP FRONT:** Don't lead your reader to the answer. A brief isn't like a mystery novel. State your main point at the beginning and then show the reader how you got there. When you are drafting, look at your last sentence, consider whether it is your bottom-line point, and if so, move it to the beginning.
- 3 AVOID MINDLESS BOILERPLATE:** Just because you see a lot of documents full of "Now comes [party] by and through counsel" and "heretofore" and Latin phrases doesn't mean you have to use those words. Think about what you want to say and do it in plain English.
- 4 USE ADJECTIVES AND ADVERBS WITH CAUTION:** Don't clutter up your sentences with lots of descriptive words. Your point isn't clear just because you use the word "clearly." Use strong nouns and verbs instead. "The thief sprinted across the lot" is shorter and more memorable than "the man ran very quickly across the lot."
- 5 VARY SENTENCE LENGTH:** Keep the sentences shorter to create a sense of movement and make them easy to read, but vary length to avoid monotony. A very short sentence after longer ones packs a punch.
- 6 USE STRUCTURE TO HIGHLIGHT POINTS:** Readers remember what they see at the beginning and end of what they read. Use that to your advantage by putting your most important points at the start of your sections, paragraphs, and sentences. That means don't clutter them up with a lot of introductory filler. For example, don't start a paragraph with "In *Smith v. Jones* . . ." unless your point is that this particular case made the statement. If your point is really the substance of the court's opinion, put that first and the citation at the end.
- 7 INCLUDE VISUALS:** Don't be afraid to use images, graphs, charts, or bullet points, if they make your point effectively. The phrase "a picture is worth a thousand words" didn't come from nowhere. A quick visual reference can make your point easier to grasp than a long string of text. Judges like them too. Just make sure that any words included in the images are part of the word count.
- 8 MAKE IT YOUR OWN:** Nobody likes a bunch of quotes strung together or a book-report-style description of the law. Instead of describing cases, use them to illustrate the point that advances your analysis. Paraphrase so the law fits the situation you are applying it to. As I tell my students, don't just give me a bag full of avocados if I ask for guacamole.
- 9 GET WORDS ON THE PAGE:** Don't get bogged down trying to craft the perfect sentence. The first time through, get your content on the page to make sure you understand what you are saying and see how it all fits together. You can make it pretty later.
- 10 EDIT, EDIT, EDIT:** The best legal writers edit their own work multiple times. Edit for one thing at a time—typos, citation, organization, clarity. Make a checklist of your personal verbal crutches and look for those. My favorite tricks for helping you see what's on the page: read a hard copy, put in a different (ugly) font, change your location, work standing up (or sitting if you usually stand). All these help you see what is actually on the page and not just what you thought you wrote.