



INTRODUCTION TO LEGAL WRITING

LINDA ALUVALE

LINDA.ALUVALE@KSL.CO.KE

The Importance of Legal Writing

- ▶ The importance of good legal writing in the legal profession cannot be overemphasised.
- ▶ Words are the dominant tool of trade for lawyers. A bulk amount of your time will be spent drafting.
- ▶ The Courts are leaning more and more towards written submissions, written witness statements, etc
- ▶ A good lawyer stands out by his/her ability to communicate – both orally and in writing
- ▶ “Writing is one of the two great skills that will advance your career in law” – Bryan A Garner, *Garner on Language and Writing*
- ▶ A commonly accepted way to determine if a piece of writing is good is to evaluate its effectiveness. If the writing is effective in serving its intended purpose, it is good legal writing.
- ▶ Writing is a skill that can be learned. We can substantially improve our written communication by learning some skills and unlearning some bad habits that get in the way of good legal writing.
- ▶ How does one become a good legal writer? PRACTICE, PRACTICE, PRACTICE!

Qualities of Good Legal Writing

1. **Clarity:** The chief hallmark of good legal writing is clarity. Clarity is crucial as it ensures that the message gets conveyed which is the primary requirement of communication. If a reader cannot understand what is being conveyed, and if the writing is not clear, irrespective of its other virtues, it cannot be adequately understood, thereby defeating its purpose.
2. **Concise:** Convey the message without the use of excessive or too many words. Good legal writing rejects roundabout and redundant expressions in favour of direct statements and economical word usage. Don't use multiple words where one will do.
3. **Accurate:** The purpose of legal writing is to facilitate decision making and unless the information provided is accurate and reliable, it cannot assist in proper decision making.
4. **Focus:** What message are you trying to convey? Good legal writing must convey a message answering the question or issue being addressed.
5. **Development/Organisation:** Organize your writing so that readers can follow your internal structure. Give information in the right amount and the right order. Each paragraph should support the central idea of the writing. Individual sentences should support the main point of the paragraph.

Qualities of Good Legal Writing

6. **Unity:** Every paragraph in a document should be related to the main idea. Each paragraph should stick to its main point.
7. **Coherence:** A document should be organized logically, flow smoothly, and "stick" together. In other words, everything in the writing should make sense to a reader.
8. **Grammatical Correctness:** When writing, follow conventions of English—the rules of grammar, usage, and mechanics. Write in correct standard English, with complete sentences, and be relatively error-free. Errors make you look unprofessional.
9. **Sentence fluency:** Good writing contains a variety of sentence patterns and lengths. Sentence variety creates a flow that sounds smooth and polished.
10. **Creativity:** The best writing is that which carries some of the personality, the individuality of its author. Follow the above guidelines, but always strive above all to make your writing uniquely your own.

Traits that mark good legal writing

1. **Good legal writing is good legal reading:** Writing is an act of communication. Good writers keep their readers in mind. Writing should be appropriate to its audience and purpose.
2. **Good legal writing follows the rule:** Good legal writing follows the rules of grammar and syntax. It speaks in complete sentences, with subjects and predicates that agree and modifiers that are properly placed. Good legal writing also follows the rules of form that apply – Directions issued by the Court.
3. **Good legal writing is precise:** Precision in legal writing is vital. The English language has a tremendous capacity for ambiguity, yet the law does not tolerate ambiguity. Precision in legal writing requires thoughtful consideration of just what one intends to say. It also requires expression. Using the right words means being aware of the differences between similar appearing words.


Traits that mark good legal writing

5. Good legal writing has a beginning, middle, and an end: Good legal writing follows a plan of organisation. The parts fit together and make logical sense in the order presented.

6. Good legal writing is well edited: Good writing is rigorously edited. Pride of authorship, familiarity, fatigue, and lack of time are obstacles to effective editing. A good writer will set aside time to edit and will revisit his/her work afresh, approaching it with a healthy skepticism and no preconceived notion of what it is supposed to say.

EXERCISES

- ▶ It is obvious that the defendant is guilty of the crime of murder he is accused of. First, a number of witnesses saw him run from the scene of the crime in a quick manner. Second, his fingerprints were found on the gun that was used for the murder by the police. Third, tests showed that he had recently fired a gun within the last six hours. Finally, he could not produce an alibi that showed he was elsewhere at the time the murder was committed. Based on these facts, the defendant should be found guilty by the Court.

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- ▶ The defendant is obviously guilty of murder. First, several witnesses saw him run from the crime scene. Second, the police found his prints on the murder weapon. Third, tests showed that he had fired a gun within the last six hours. Finally, he could not produce an alibi. Accordingly, the Court should convict the accused.



QUESTIONS?