

Effective Writing

- Legal writing relies on organisational patterns and traditional ways of organising ideas.
- Decisions of the legal writer must depend on the reader, the purpose of the writing, and conventions of the type of document being written.
- Legal writing differs from other types of writing because it is formal.

Effective Writing

- Due to its formal nature, legal writing avoids:
 - First person pronouns.
 - Contractions.
 - Abbreviations in text.
 - Idiomatic phrases.
 - Slang.

The psychology of writing

- Writing like all skills becomes an easier task with experience.
- Experience helps identify the stumbling blocks to writing and how to overcome them.
- The research phase of writing is usually easy to many people.
- First stumbling block is moving from research to writing.

The psychology of writing

- ▶ Writing at the very last point has risk of desperation and the product being really a rough draft.
- ▶ By delaying the writing process – one compromises on quality drafting, revising, editing and proofreading.
- ▶ This can be overcome by developing a schedule for completion of the document.

The psychology of writing

- In the schedule, provide reasonable time to complete the research: do not delay when to begin writing.
- Give yourself deadlines for:
 - Completing an outline.
 - Producing a first draft.
 - Revising.
 - Editing.
 - Proofreading.

The psychology of writing

- ▶ In addition to the schedule, it helps if research notes are organised in a way that facilitates writing.
- ▶ Organise research around the law or points you want to make.
- ▶ Under each point, list the statutes, cases or authorities on which you rely and a quick summary of how they support your point.

Outlines and writing plans

- For legal writing, create an outline or a writing plan at the outset to save time.
- An outline or plan prevents back-tracking, repetition and missing of key points.

Outlines and writing plans

Techniques of outline or plan writing

1. Read through all your research.
2. Don't overlook obvious ways of organising.
3. Talk to a colleague.
4. Consider the reader and purpose.

Drafting the document

- **Techniques in drafting the document**
 1. Optimum writing conditions
 2. Write what you know best first
 3. Take one step at a time

Revising

- Revision – “*see again*”.
- Step back from the project and give it a new look.
- Rethink the whole document not just small bits like sentence structure.
- Develop a revision checklist.
- Checklist helps focus on the large issues of writing.

Revising

Model revision checklist:

- ▶ Will document meet reader's needs?
- ▶ Is the tone right for the document and the reader?
- ▶ Is the document well organised?
- ▶ Are the ideas well developed?

Revising

- ▶ Is the analysis conclusive or superficial?
- ▶ What else could be included?
- ▶ What can be omitted?
- ▶ Is the theme evident in all sections of the document?

Revising

- ▶ When revising rethink the organisation of your work.
- ▶ Read each paragraph and sum up the point it makes.
- ▶ Are there repetitions? Is any information missing? Etc

Revising

- ▶ Do a self critique?
- ❖ Can you punch holes in the document?
Where?
- ❖ What are its weaknesses?
- ▶ Then return to the document and improve it.

Revising

- ▶ Check for unity and coherence.
- ▶ Entire document, each paragraph and section must have coherence and unity.
- ▶ Unity: every part of the document contributes to the overall thesis (conclusion).
- ▶ Coherence is crucial both at document and paragraph level.

Revising

- ▶ Good revision strategy – check both levels: are you using appropriate devices for creating coherence.
- ▶ These devices are:
 - ❖ Logical organisation: chronology, topical, general to specific, specific to general, IRAC
 - ❖ Roadmaps

Revising

- ❖ Signposts
- ❖ Repetitions

Editing

- ▶ An examination of the smaller issues in writing.
- ▶ Step out of the role of the drafter.
- ▶ Look at the writing with a critical eye.
- ▶ Look at: sentence structure, word choice.

Editing

- ▶ Pay attention to the subjects and verbs in sentences.
- ▶ Make extra effort to edit for precision and conciseness.
- ▶ Look out for sloppy word choice and unnecessary verbiage.

Proof-reading

- Responsibility for final product lies with the writer.
- Fault for missed words, format problems or typographical errors lies with the writer.
- Proof-reading is therefore essential.
- Proof-reading is not the same as revising or editing.

Proof-reading

- ▶ Proof-reading - is reading for errors.
- ▶ Must therefore be done at slowest reading rates.
- ▶ Proof-read at a completely different time from revising and editing.

Proof-reading

- Proof-read all parts of the document:
 - ❖ Headings.
 - ❖ Charts.
 - ❖ Captions.
 - ❖ Footnotes.
- Double check all dates, figures and spellings.

Strategies for effective editing and proof-reading

- Produce a first draft.
- Distance yourself from the draft.
- Edit from a hard copy.
- Do not edit and proof-read at the same time.
- Edit and proof-read in stages

Strategies for effective editing and proof-reading

- Pin-point specific weaknesses in your writing.
- Read your draft once for each of these weaknesses.
- When proof-reading, you can use spell check: But do not rely on it to capture all spelling errors.
- Label your drafts carefully.

General principles of effective writing

- Good writing is effective communication.
- Remember your audience.
- Remember your purpose.
- Follow expected format of document.
- Professionalism and competence are reflected in both content and presentation of writing.