## Contents

	Acknowledgments	XV
	Introduction	1
PART I	STYLE	
1.	Core Principles of Legal Writing	
2.	Concision	16
3.	Plain Language	28
4.	Strong Sentences	43
5. 6.	Organization and Cohesion	69
	Tone and Professionalism	81
PART II	SUBSTANCE	
7.	Briefs and Motions	89
8.	Using Legal Authority	101
9.	Legal Storytelling	121

PART III	PROCESS	
10.	The Mental Game of Writing	135
11.	Writing with Technology	
12.	Document Design	165
	Notes	181
	Other Resources	191
	Index	193

## **Expanded Contents**

## PART I STYLE Core Principles of Legal Writing 5 1.1. Adopt a growth mindset. 5 1.2. Commit to improving your writing skills. 7 1.3. Aim to write prose that is clear, readable, and efficient. 9 1.4. Learn the principles of readability. 10 1.5. Distinguish rules from guidelines. 11 1.6. Balance competing values in writing tasks. 12 1.7. Include only relevant details and put them in context. 13 1.8. Motivate readers by showing how your document will help them. 14 1.9. Think like a teacher. 14 1.10. Avoid common audience-related mistakes. 15 Concision 16 2.1. Omit throat-clearing introductory phrases. 17 2.2. Delete unnecessary modifiers, especially

18

intensifiers.

	2.3.	Avoid overspecification and synonym strings.	22
	2.4.	Avoid doublets and triplets.	23
	2.5.	Condense bloated phrases.	24
3.	Plain	Language	28
	3.1.	Understand how word choice affects readability.	28
	3.2.	Learn and apply the principles of plain-	
		language style.	29
	3.3.	Avoid legalese and ritual phrases.	30
	3.4.	Prefer concrete, specific nouns. Minimize	
		vagueness.	33
		Prefer English terms to foreign terms.	35
		Minimize hedging.	35
		Use contractions when appropriate.	36
		Avoid clichés.	37
		Choose your words precisely.	39
	3.10.	Avoid gendered language.	40
4.	Strong	g Sentences	43
	4.1.	Keep most sentences short.	44
	4.2.	Give your prose a sense of forward movement.	45
	4.3.	Move quickly to the heart of a sentence.	45
	4.4.	Write sentences about characters performing actions.	47
	4.5	Use verbs, not nouns, to say what happened.	48
		Write most sentences in active voice.	51
		Minimize prepositional phrases.	52
	4.8.		
	1.0.	the start of the sentence.	53
	4.9.	Don't interrupt sentences with citations.	54
	4.10.	Avoid ambiguous references.	54
	4.11.	Keep modifiers near what they modify.	55
	4.12.	Prefer positive-form statements.	56
	4.13.	31 1	
	4 7 4	adjectives.	56
	4.14.	Avoid parallelism errors.	57
	4.15.		50
		pace and emphasis.	59

	4.16.	Use punctuation to group information within sentences.	61	
	4 17	Monitor your sentences' rhythm.	63	
		Monitor your sentences' emphasis.	67	
		•	07	
5.	Organ	ization and Cohesion	69	
	5.1.	Use chunking, grouping, and labeling to		
		organize your document.	70	
	5.2.	Break documents into self-contained modules.	71	
	5.3.	Use transitions to make documents cohesive.	72	
	5.4.	Begin with your conclusion.	75	
	5.5.	Use full-sentence point headings.	76	
	5.6.	Write unified paragraphs, each centered on		
		one main idea.	78	
	5.7.	Build paragraphs around topic sentences.	79	
	5.8.	Use umbrella text to introduce subsections.	80	
6.	Tone a	Tone and Professionalism		
	6.1.	Advocate ethically.	81	
	6.2.	Write in a professional tone.	83	
	6.3.	Don't disparage opponents.	84	
	6.4.	Don't try to be humorous or literary.	85	
	6.5.	Write respectfully about judges.	85	
PART II	SUBS	TANCE		
7.	Briefs	and Motions	89	
	7.1.	Assert propositions, then support them.	89	
	7.2.	Take off the IRAC and CREAC training wheels.	93	
	7.3.	Craft simple, audience-focused arguments.	94	
	7.4.	Explain your reasoning and avoid conclusory		
		statements.	95	
	7.5.	Align your arguments with the motion's		
		procedural posture.	98	
	7.6.	Keep most rule statements short.	99	
8.	Using Legal Authority			
	8.1.	Use citations to support your argument, not as		
		a substitute for analysis.	101	

	8.2.	Understand the hierarchy of legal authority.	102
	8.3.	Be strategic about how many authorities	
		you cite.	104
		Minimize string citations.	105
	8.5.	Create context before discussing cases.	107
	8.6.	Use parentheticals effectively.	108
	8.7.	Use the full menu of available citation signals.	111
	8.8.	Write arguments in your own words.	114
	8.9.	Use block quotations judiciously.	117
	8.10.	Format citations correctly but minimize clutter.	118
9.	Legal	Storytelling	121
	9.1.	Think like a storyteller.	121
	9.2.	Select your facts carefully, omitting most	
		nonessential details.	123
	9.3.	Use labeling to make abstractions more concrete.	126
	9.4.	, ,	700
	0.5	labels.	128
		Avoid unnecessary definitions.	128
	9.6.		129
	9.7.	Keep the procedural history section short but persuasive.	131
PART III	PROC	ESS	
		Iental Game of Writing	135
		Think critically about obstacles you encounter.	136
		Break projects into chunks and take them one	
		step at a time.	136
	10.3.	Complete timed sessions of focused writing.	137
	10.4.	Budget your time realistically.	138
	10.5.	Avoid the trap of perfectionism.	139
	10.6.	Manage procrastination.	139
	10.7.	Start writing projects as soon as you can.	140
	10.8.	Use templates and models to jump-start your	
		document.	141
	10.9.	Optimize the physical side of writing.	142
	10.10.	Try to get in a state of flow.	143

	10.11.	Eliminate, plan for, and pivot from distractions.	144
	10.12.	Follow a systematic writing workflow.	148
	10.13.	Write "shitty first drafts" without backtracking	
		to edit.	150
	10.14.	Edit in stages, working on large-scale issues first.	150
	10.15.	Defamiliarize your draft to see it more	
		objectively.	152
11.	Writin	ng with Technology	154
	11.1.	Use software to improve your prose.	154
	11.2.	Use dumpfiles to help you revise fearlessly.	156
	11.3.	Set up text expansion.	156
	11.4.	Learn common keyboard shortcuts.	157
	11.5.	Go beyond the basics with Microsoft Word.	160
	11.6.	Use templates and styles to format documents.	162
	11.7.	Consider using text editors rather than word	
		processors for early drafts.	163
12.	Docur	ment Design	165
	12.1.	Be mindful of your documents' appearance	
		and legibility.	165
	12.2.	Use footnotes liberally to show the reader	
		what to focus on.	167
	12.3.	Use legible fonts.	170
	12.4.	Design attractive headings.	172
	12.5.	Avoid unnecessary capitalization.	172
	12.6.	Use artificial emphasis sparingly.	173
	12.7.	Use lots of white space.	174
	12.8.	Use images, tables, text boxes, and other	
		visual aids.	177
	12.9.	Follow other standard design advice.	178