

## Guidelines for Legal Writing

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Good legal writing has two main qualities. It has a logical and coherent structure, and the expression of its content is precise. Let us see how one may achieve these.

### Logical and coherent structure

Legal writing is made up of the pillars on which the argument stands. What I mean by a pillar here is the significant point that the writing makes to support the argument. Let us say that you want to write about why death penalty should be abolished. You will have reasons that support this argument. These reasons are the pillars of your writing. It is important that each of these reasons is separately articulated in your argument. It always helps to plan your writing with each of these pillars as a separate bullet point. To support abolition of death penalty, you may identify reasons such as (a) the weaknesses in police investigations; (b) the fallibility of judicial proceedings; (c) the value of human life, and so on. You may also have some statistics to demonstrate wrongful convictions. When you write down all the points you want to make, you will see what is a lead point and what supports the lead point. Here, the statistics support the lead point of fallible judicial proceedings as convictions are achieved through judicial proceedings. Each lead point should take up a separate paragraph, such that you create space for its elaboration, without intermingling it with another point. This ensures that each of your reasons is noticed, and you will not leave it for the reader to search for it. In our example, care should be exercised not to confuse the points that support police investigation with those that support judicial proceedings. Doing this at the outset lays down a clear structure for your writing.

The next step is to bring about a logical flow. Ideally, each paragraph should flow from the previous. There should be a segue connecting each paragraph of your piece. Sometimes the points you write down themselves reflect a logic. In our example of the death penalty, the police investigation should logically be dealt with before judicial proceedings because that is their chronology in real life. Sometimes the sequence of arguments will depend on how you frame the argument. If your argument on the value of human life is that it should be the normative foundation of all matters of regulation, then this argument should go before the arguments on police investigations and judicial proceedings. If you frame the value of human life as the goal of all matters of regulation, then this argument could

follow from those on police investigations and judicial proceedings, such that you conclude with a powerful argument on the value of human life.

For lengthier pieces (say about 1000 words or more), consider deploying headings and sub-headings, as I have done here. This focuses the reader's mind and helps them navigate through your writing. There should be a logical flow in the choice of headings and sub-headings such that together these represent the gist of the piece.

### **Precise expression of the content**

There are several components to precise writing. Let us begin with sentences. Focus on one thought per sentence. If you are using too many conjunctions, such as 'and', 'or', 'but', and so on, then that is an indication that there are perhaps too many thoughts being expressed in a single sentence. To a reader, these sentences could come across as convoluted. However, sometimes it may be essential to use conjunctions to let your thoughts flow. As a rough guide, your sentence should not go beyond three lines in a Word document with 12-point font and normal margins. If it does, it could be an indication that there are multiple thoughts in one sentence. Take a step back and think about the points you want to make. If it helps, put them in bullet points. Then complete the sentences. As far as possible, write shorter sentences. In legal writing, brevity is a virtue. Precision comes with brevity. A tightly worded legal argument has no word wasted.

Logical flow should not only be reflected between paragraphs, but also between sentences within the paragraph. While each thought is represented by a sentence, make sure that your next thought connects with or builds upon the previous. For example, if you are writing about police investigations, write about the limitations normally encountered in collecting evidence first, and then challenge the quality of the evidence collected. As you can see the latter flows from the former. Present your argument first, before stating the counter to it. Present the counter first before presenting your rejoinder to it. Make the tone of your speech direct and positive, so that it reads confidently. The choice of whether to use active or passive voice depends on the point being emphasised. For example, if you want to emphasise the source of the law and its legitimacy, then you may say 'the statute requires that the council take action'. If you want to emphasise the actor who is responsible, then you will say 'the council is required by the statute to take action'.

Legal writing should be formal, as opposed to casual, to avoid ambiguity. Therefore, your choice of words is crucial. For example, use the word 'child' instead of 'kid', as kid also means a young goat. At the same time, it would serve you well to use simpler and more familiar words, so that you make your writing accessible to a wider audience. For example, use the word 'evasive' in preference

for 'prevaricate'. Embellishments and flowery language are not encouraged. This helps the reader not lose track of your arguments. Remember that the objective of legal writing is to achieve clarity. Choosing the right word is more important than exhibiting your vocabulary or literary prowess.

Punctuation is very important. In legal writing, the existence or not of even a comma can make or mar a case. Therefore, never finalise a draft without reading your work back to yourself. You will be surprised how many typos you will pick up!

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