

Overview of Legal Writing

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Purpose: To give a concise, organized guide to the fundamentals, types, and best practices of legal writing.

1. What Is Legal Writing?

Aspect	Description
Definition	The craft of communicating legal analysis, arguments, and information in a clear, precise, and persuasive manner.
Primary Goals	• Inform the reader of the relevant law • Persuade the reader to adopt a particular position • Provide a reliable record for future reference
Key Characteristics	• Formal tone (but not overly stiff) • Logical structure • Accurate citation of authority • Concise language with minimal ambiguity

2. Core Principles

Principle	Explanation	Practical Tip
Clarity	Use plain language; avoid unnecessary jargon.	Replace “utilize” with “use.”
Precision	Every word must convey the exact meaning intended.	Define technical terms at first use.
Conciseness	Eliminate superfluous words and repetitions.	Apply the “one?sentence, one?idea” rule.
Authority	Ground arguments in statutes, cases, regulations, and scholarly commentary.	Cite the most recent and controlling authority.
Organization	Follow a logical roadmap that guides the reader.	Use headings, sub?headings, and numbered lists.

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Principle

Explanation

Practical Tip

Professionalism Maintain appropriate tone and formatting.

Follow the relevant style guide (e.g., Bluebook, ALWD).

3. Major Genres of Legal Writing

Genre	Typical Audience	Common Formats	Primary Purpose
Legal Memorandum	Attorneys, judges, clients	Internal memo, issue? statement, analysis, conclusion	Provide objective legal analysis and recommendations.
Brief (Appellate/Trial)	Judges, opposing counsel	Table of contents, statement of facts, argument, conclusion, appendix	Persuade the court to adopt a particular outcome.
Client Letter	Individual or corporate clients	Plain?language letter, summary of advice, next steps	Communicate legal advice in an understandable way.
Contract/Agreement	Parties to a transaction	Sections, definitions, representations, warranties, remedies	Create enforceable obligations and allocate risk.
Legal Opinion	Clients, regulators	Fact summary, issue identification, analysis, conclusion	Offer authoritative guidance on a specific legal question.
Law Review Article	Academics, practitioners	Abstract, introduction, literature review, analysis, conclusion	Contribute scholarly insight and propose reforms.
Legislative Drafting	Legislators, agencies	Bill, amendment, legislative history	Translate policy goals into statutory language.

4. Standard Structure (Memorandum & Brief Model)

1. **Heading/Caption** – Identifies parties, court, case number, and document type.
2. **Table of Contents** (briefs) – Lists headings with page numbers.

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3. **Statement of Facts** – Neutral, chronological presentation of relevant facts.
4. **Issue(s) Presented** – Precise, framed as a question (e.g., “Whether...?”).
5. **Brief Answer / Conclusion** – One-sentence answer for memoranda; a concise request for relief in briefs.
6. **Discussion / Argument**
 - **Rule** – Cite controlling authority.
 - **Application** – Analyze facts against the rule.
 - **Counter-arguments** – Anticipate and rebut opposing views.
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