



PROGRAM MATERIALS

Program #29124

October 1, 2019

Improving Your Legal Writing Skills

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Improving Your Legal Writing

Frank Ramos

Reading

**Read Plain
English**

Capture the Reader

Be Yourself

Developing a Voice

**Your Reader has
a 30 Second
Attention Span**

Delete

“Glue Words”

Brainstorm

**Prepare
an Outline**

**Know Your
Audience**

Serve the
Reader

Bam!

Just Say It

**Stick to
the Point**

**Support
Your Point**

Keep it
Simple

Speak
Plainly

Be Precise

**Speak
Confidently**

Tell a Story

Less is More

Edit

Edit

Edit

**Keep Your
Paragraphs
Short**

**Keep Your
Sentences
Short**

**Keep Your
Words Short**

Eliminate Throat Clearing Phrases

**Avoid
Redundancies**

**Avoid
Filler Language**

Eliminate Unnecessary Prepositional Phrases

**Eliminate
Adjectives and
Adverbs**

**Eliminate
Words**

Presenter to read NY Code

This code is required for all attorneys wishing to receive CLE credit in the state of NY and taking the program 'on-demand' at Celesq AttorneysEd Center either online or via CD

Please notate it carefully

The presenter will only be able to read the code twice and will not be able to repeat it or email it to you.

Thank you!

Limit Each
Sentence to
One Idea

**Limit Each
Paragraph to
One Idea**

Use the
Active Voice

**Keep the Subject,
Verb and Object
Close Together**

**Start Sentences
With the
Subject**

**Avoid the
Perfect Tense**

**Make the
Verbs do the
Heavy Lifting**

**Do Not Turn
Verbs Into
Nouns**

Use Concrete
Nouns

Use Precise
Nouns

**Avoid
Misplaced
Modifiers**

**Place Pronouns
Close to the
Nouns they
Modify**

**Maintain
Parallel
Construction**

Check Subject/Verb Agreement

**Avoid
Legalese**

**Avoid
Clichés**

**Avoid
Contractions**

Avoid
Bold and
Italics

**Avoid
Technical
Words**

**Avoid
Big Words**

**Use Familiar
Words**

Use Your
Terms
Consistently

**Start Each
Paragraph
With a Topic
Sentence**

Use Transitions

**Vary
Sentence
Structure**

**Do Not
Overstate
or Misstate**

**Do Not Take
Personal
Shots**

Use
Headings

Use Lists

End Strong

Read it
Out Loud

Take a Break

**Know When
to Stop**

The key to writing is grabbing the reader's attention and not letting go. Wham! Right between the eyes. Once you have landed that first punch, do not let up. Make your point and stick to it. Wander from your message, confuse or obfuscate it, and you run the risk of losing the reader. Make every paragraph, every sentence, every word, every syllable count, pushing the reader to your conclusion, getting him to embrace it like it was his own. What follows are some tips on how to improve your writing, whether it is addressed to a judge, a client or opposing counsel.

Reading. "If you want to be a writer, you must do two things above all others: read a lot and write a lot." Stephen King

Improve your writing by reading what others have written. Get in the habit of reading motions written by others at your firm. Study their:

- * sentence structure
- * paragraph structure
- * argument structure
- * word choice
- * transitions
- * themes

Study their motions. How do they argue their positions? How do they persuade? How do they say what they want to say? How do they get their message across? Reading what others wrote will help you improve your own writing.

Read Plain English. When writing plain English, read plain English. Most newspapers are written in plain English. So are the weekly magazines. They say a lot in a tiny bit of space. Get in the habit of reading newspapers to study their paragraph and sentence structure. Learn how they communicate complex thoughts in a simple, direct manner. They have a way of turning complex ideas into bite-sized pieces and feeding them to you. That's what we should be doing in our writing.

Capture the Reader. Sol Stein in Stein on Writing says that if a writer cannot capture a reader's attention right away, the writer has lost the reader. First sentences and first paragraphs are crucial in capturing and keeping the reader's attention. Stein states, "Your entire story or novel may depend on that first sentence arresting the reader's attention. A terrific sentence on page two won't help if the reader never gets there." The first sentence and the first paragraph must hook the reader. As lawyers, the initial paragraph of a letter or the introduction of a motion should capture the reader and draw him into the story you're telling, typically your client's story. Delay in getting to the point and risk losing your reader.

Be Yourself. "Nobody becomes Tom Wolfe overnight, not even Tom Wolfe." William Zinsser

Zinsser, in his book On Writing Well, says a fundamental rule of writing is to be yourself. In order to be yourself, you must relax and you must have confidence. "Believe in your

own identity and your own opinions,” says Zinsser. “Writing is an act of ego, and you might as well admit it.” Writing is a creative process. It is an expression of you. “Relax and say what you want to say. Style is who you are.” With time, you will develop your own style, your own “voice.” Don’t rush it. It’ll take time, but it will evolve and will emerge.

Developing a Voice. In The Elements of Style, Strunk and White provide a list of reminders in developing one’s writing style. Among their tips:

1. “To achieve style, begin by affecting none.” Don’t put yourself in front of your writing. Put yourself in the background.
2. Write in a way that comes naturally. Use “words and phrases that come readily to hand.” And practice imitating good writing. “The use of language begins with imitation.” Find good writers in your firm, study their letters, memos and motions, analyze what they do and imitate it. In college, my fiction teacher told us to take a story or poem we liked, and rewrite it in our words, line by line. She suggested we take “Hills Like White Elephants” by Ernest Hemingway, and rewrite each descriptive phrase, each line of dialogue, each give and take between the two characters. We would end up with a different story built around a strong design. Imitation would lead to good writing.

Your reader has a 30 second attention span. Zinsser, in his book On Writing Well, reflects on the modern day reader and everything vying for his attention. He says that your reader has a thirty second attention span. If you make the reader work too hard you will lose him and his limited attention span. Learn to rewrite to make your writing “tighter, stronger and more precise, eliminating every element that’s not doing useful work.” After you do this, read your work out loud and remove additional clutter. There is always more clutter to remove. “Fighting clutter is like fighting weeds – the writer is always slightly behind.”

He instructs us to examine every word we have written. Many serve no purpose. If they don’t, eliminate them. But how does one identify the clutter? Zinsser recommends “putting brackets around every component in a piece of writing that wasn’t doing useful work.” Read your writing without the bracketed portions and listen to how it sounds. By applying his technique he says that most first drafts can be reduced by 50% without losing a single percent of meaning. Remember, “simplify, simplify.”

Delete “glue words.” Richard C. Wydick, in Plain English for Lawyers, notes that “We lawyers cannot write plain English. We use eight words to say what could be said in two.” His advice begins, “omit surplus words.” He breaks down words into two categories – “working words” and “glue words.” The “working words” are the ones with meaning. They carry the sentence. The “glue words” just hold the “working words” together. Use too many “glue words,” and you have a poor sentence. Wydick recommends isolating all the working words and rewriting a sentence, focusing on those

words and reducing the number of glue words. Ask yourself, “how can we say the same thing in a tighter sentence with less glue?”

Brainstorm. Before you write, take a pen and a piece of paper and brainstorm your ideas. At this stage, leave the computer off. Just you and a piece of paper, making lists, jotting down ideas, doodling perhaps, figuring out what you are going to write about. Put down whatever idea comes into your head, however foolish it may strike you. You can discard the foolish ideas later. Who knows. That foolish idea may not be so foolish after all.

Prepare an outline. After you have put your thoughts on paper, organize them in the form of an outline. Sort through your ideas, keeping some and discarding others. The outline will serve as a blueprint for your writing.

Know your audience. Remember, you are not writing for you, you are writing for your audience. Forget this and risk alienating and boring the reader. How you write a motion for a judge is different from how you write a letter to a client.

Serve the reader. Keep the reader’s needs in the forefront when you write and serve those needs to a fault. You write to inform the reader, to persuade him, and yes, to entertain him. Serve your selfish needs over the reader’s at the risk of losing the reader’s.

Bam! Hit the reader between the eyes. Hit the ground running with a strong start. You are not working up to a crescendo. You start at the crescendo. The first sentence or two must grab the reader’s attention. In those first sentences, you must let the reader know why he should keep reading. Remember, Alice was down the rabbit hole on page two or three.

Just say it. Be direct. If what you have to say is important enough to reduce to writing, just say it. Do not mince words, do not hem or haw. Be bold, blurt the words out and keep moving.

Get to your point. Right away, let the reader know the point of your writing. If the reader has to read three pages of your six page motion to figure out what you are trying to say, then you have failed as a writer.

Stick to the point. Once you make your point, stick to it. Do not wander off the path. Digressions distract.

Support your point. If you make assertions, support them. Why does your position make sense? Why should the reader agree with you? Use facts, anecdotes, examples, cases, whatever you need to bolster your position.

Keep it simple. Limit what you have to say. Say too much and you will lose the reader. If you can make two or three points that stick with the reader, you are better off than making ten points that do not.

Speak plainly. Do not use flowery prose to get your point across. You do not have to show the reader how smart you are. Readers hate arrogance. They will hate you for it.

Be precise. Avoid ambiguity in your writing. Make sure what you intend to say is expressed correctly.

Speak confidently. Do not be shy or bashful about what you have to say. If you are not confident about your position do not expect the reader to be.

Tell a story. Make it a good read. Judges and clients read their share of letters and motions. If you want yours to stand out, tell a story. The beginning must captivate, the middle must hold the reader's attention and the ending must be strong.

Less is more. Say as much as you can with the fewest words possible. People have less time and shorter attention spans. Certainly I do. Make your point in the fewest words and fewest pages possible.

Edit, Edit, Edit. Do not be happy with your first draft, your second, or perhaps even your third. Edit out the excess sentences, phrases and words. Make sure your argument holds water, the transitions are smooth and the word choice is proper.

Keep your paragraphs short. Keep your paragraphs to three to five sentences. Longer paragraphs tend to lose the reader.

Keep your sentences short. Keep your sentences to 10 to 20 words.

Keep your words short. Use words that have fewer syllables.

Eliminate throat clearing phrases. Don't clear your throat on the page. Words and phrases like "clearly," and "as you know" add nothing to your writing. They simply detract from it.

Avoid redundancies. Avoid words and phrases that say the same thing. Multiple modifiers should be eliminated or at least pruned.

Avoid filler language. Remove any words that do not contribute to what you are trying to say. Any words that are simply hanging around, not pulling their weight, must go.

Eliminate unnecessary prepositional phrases. Go through your writing and remove unnecessary prepositional phrases, or reduce them to a single word if possible.

Eliminate adjectives and adverbs. Adjectives are a crutch for weak nouns and adverbs are a crutch for weak verbs. Use strong nouns and verbs and eliminate their supporting cast.

Eliminate words. After you have scratched out the unnecessary adverbs, adjectives, prepositional phrases and needless words, review your writing again to see what else can be eliminated.

Limit each sentence to one idea. Do not overburden your sentences. Make a single point and put a period down.

Limit each paragraph to one idea. As with sentences, pick an idea and support it throughout the paragraph. If you have another idea that you need to address, start another paragraph.

Use the active voice. The subjects of your sentences should not be victims. Things do not happen to them. They make things happen. Speak in the active voice. Avoid passive verbs such as “is” or “was.” Active sentences are clearer and get to the point faster.

Keep the subject, verb and object close together. Keep the subject of the sentence, the verb and the object close together. By keeping them close together you make your sentences clear, direct and short.

Start sentences with the subject. By starting your sentences with the subject, the reader knows right away who is performing the action. Follow the subject with the verb and object, and you can make strong sentences with very few words.

Avoid the perfect tense. When possible, avoid using the past perfect tense (“I had run the marathon...”), present perfect tense (“Lawyers have known...”) and the future perfect tense (“I will have finished...”). In their place, use the past tense (“I ran the marathon...”), present tense (“Lawyers know...”) and the future tense (“I will finish...”). The perfect tense is longer and less direct.

Make the verbs do the heavy lifting. The most important word in the sentence is the verb. Use strong, active verbs and make them do the heavy lifting in your sentences. You do not need adjectives and adverbs to make a sentence. But without a verb all you have is a group of words with nothing to do.

Do not turn verbs into nouns. Do not convert verbs into nouns (“utilization,” “personification”). By doing so, you weaken words and you tend to speak in a more stilted, bureaucratic tone.

Use concrete nouns. Where verbs create actions, nouns create visuals. Use nouns that create a visual image and paint a picture. Avoid abstract nouns.

Use precise nouns. Use the right noun for the job. Use the wrong one and you may not convey the message you want.

Avoid misplaced modifiers. Keep your modifiers close to the words they are modifying. Misplacing the modifier may cause the reader to take away a different message than the one you are trying to convey.

Place pronouns close to the nouns they modify. Keep pronouns close to the nouns they modify so the reader knows which nouns you are referring to.

Maintain parallel construction. Whenever you are going to use a series of words or phrases that are related, they should be stated in a similar form.

Check subject/verb agreement. Make sure that your verbs agree with their subjects.

Avoid legalese. Avoid using legalese. Nothing alienates your reader more than words that only lawyers use. By the way, strike the word “said” from your vocabulary.

Avoid clichés. Avoid trifling language like clichés. They are hackneyed and you are not a hackneyed writer.

Avoid contractions. For the most part, avoid contractions. They are better for informal speaking, not formal writing.

Avoid bold and italics. Avoid sprinkling your writing with bold and italics. Often they are used to compensate for poor writing. Use strong writing to emphasize your points.

Avoid technical words. Avoid using trade or technical words. If you must use them, define them in layman’s terms.

Avoid big words. Avoid using ten-dollar words. If your reader has to put down your writing to grab a dictionary, you are serving your interests over the interests of your reader.

Use familiar words. Use terms with which your readers are familiar. Comfort foods, like meatloaf, have become popular in restaurants, because consumers feel comfortable with them. Think of words the same way. Make your reader feel comfortable with your writing by choosing words they are comfortable with.

Use your terms consistently. Do not call an item one thing on page two and give it a different name on page three. Stick to the same term to avoid confusion.

Start each paragraph with a topic sentence. Start each paragraph with a topic sentence. Make your point up front and spend the rest of the paragraph supporting it.

Use transitions. Make sure you use words and phrases to transition from sentence to sentence and paragraph to paragraph. Transitions make your writing smoother.

Vary sentence structure. Even though the rule of thumb is to keep your sentences short, try to vary their length. Otherwise, your writing will sound choppy.

Do not overstate or misstate. Do not exaggerate or misstate your position. You lose credibility by doing so.

Do not take personal shots. Keep it professional. Do not attack the other side or opposing counsel. Do not confuse being an advocate with being a jerk.

Use headings. Whenever you are writing a letter or motion that is several pages or more, use headings to guide the reader.

Use lists. Consider using lists in your writing to make a point. Perhaps you can create a list of all your arguments to show the judge why he should grant your motion. Visually, lists get your points across to the reader.

End Strong. Just as you start strong, finish strong. You started by punching the reader between the eyes. Finish him off.

Read it out loud. Read your writing out loud. Listen to how it sounds. Likely, you will make additional changes after doing so.

Take a break. After you have written a draft and revised it, take a break and pick it up at a later time. With a fresh look, you may see errors or lapses of judgment you overlooked before.

Know when to stop. Once you have said everything you need to say, whether it in a motion, a letter, or an article such as this one, know when to stop.