

Writing tips and examples: ¹

- 1. Do not be redundant: redundancies make it harder to parse through the extra words and create confusion.**

Examples of Redundancies:

On August 10 at the hour of 10 AM in the morning
The subject matter area of the discussion
After the payment, the remaining balance of the trust....
Her heirs, who she predeceased and who survived her....
His past history and personal belongings

Example not Redundant:

On August 10 at 10 AM
The subject of the discussion
After the payment, the balance of the trust....
Her surviving heirs....
His history and belongings

- 2. Transition Phrases: use correctly to enhance but with a purpose:**

Consider whether phrases like “moreover, in addition, furthermore, as such, nevertheless” add something. Use them sparingly.

However, but, nevertheless, on the other hand = contrast
Furthermore, moreover, also, in addition = sequence

Use these transition words when they serve a purpose to emphasize contrast or sequence but not otherwise. Some transition words really just like “throat clearing” such as “on the whole” or “overall” or “with this in mind.”

Example:

The court ruled on the issue of standing however it did not address the merits of the claim.
[OK]

On the whole, we can see that the process of supreme court judicial appointments and confirmations has become highly politicized. [Query whether “on the whole” adds anything in context]

¹ Numerous concepts and examples from The Lawyer’s Guide to Writing Well, Goldstein and Lieberman and Scholarly Writing for Law Students, Fajans and Falk and The Ultimate Guide to SAT Grammar, Erica Meltzer.

3. **Short Sentences:** one complex thought per sentence. If sentence contains more than 20-25 words, consider whether it should be two sentences.

Example: Arbitration as a means of settling disputes was at first viewed by the courts with much disfavor, but today is being used increasingly as a substitute for litigation for the adjudication of disputes arising out of contracts. [Long and confusing]

Courts initially viewed arbitration with disfavor. However, today arbitration is a common substitute for litigation involving contract disputes. [Shorter and clearer]

4. Eliminate Legalese, Use Plain English

Examples:

Legalese

Sixty days prior to the expiration of the agreement.....

Pursuant to the terms....

Plain English

Sixty days before the agreement expires...

Under the terms...

5. Grammar Tips

- Subject and verb close together:

The **Trustee**, at any time, by an instrument in writing executed by the Trustee, with the concurrence of the City Council evidenced by a resolution, **may accept** the resignation of or remove any co-trustee or separate trustee appointed under this section.

By written instrument and with the concurrence of the city council, **the trustee may accept** the resignation of or remove any co-trustee or separate trustee appointed under this section.

- Active not passive voice:

Passive:

Plaintiff's second effort to bring before this court a six year old bankruptcy dispute **should be dismissed** with prejudice.

Active:

The court **should dismiss**, with prejudice, the plaintiff's second effort to bring before it a six year old bankruptcy dispute.

- Parallel structure in lists and also when using conjunctions (the construction of one side of a conjunction or comparison must match the construction on the other side as closely as possible):

Not Parallel list: Changes in wind circulation patterns, runoff from sewage and **using** chemical fertilizers can increase water pollution in certain places.

Changes in wind circulation patterns, runoff from sewage and **use of** chemical fertilizers can increase water pollution in certain places.

Not Parallel using conjunction: In order to be an effective lawyer, one must have both good analytic abilities and write well.

In order to be an effective lawyer, one must have both good analytic abilities and strong writing skills.

- Prepositions- be sure to use the correct one!

Consistent/inconsistent with

Correlate with

Identify with

Convinced of

Consist of

Biased towards/against

Central to

Similar to

Have insight into

Interested in

Succeed in/at

Engage in/with

Insist on

Focus on

Rely on

Reflect on

Draw on/upon

A proponent of

A source of

An understanding of

Familiarity with

In the hope of

Characteristic of/typical of

Comprised of – should be comprises

In recognition of

Have an appreciation of

Capable/incapable of

Criticize for

Necessary for

Prized for

Responsible for

Compensate for

Have a tolerance for
Named for
Recognized/known for
Bring about
Protect from/against
Defend from/against
Surprised by
Confused by
Impressed by
Refrain from
Have control over

- Pronouns

Pronouns are words that replace nouns — he/she, it, them, their, us

You — you; one — one

If **one** wants to avoid liability **you** should demand an indemnification clause (incorrect)

If **one** wants to avoid liability **one** should demand an indemnification clause (correct)

Singular nouns - singular pronouns; plural nouns - plural pronouns

When the economy does poorly, **their** performance is of the utmost interest to the public.
(incorrect)

When the economy does poorly **its** performance is of the utmost interest to the public.
(correct)

Ambiguity - what does the pronoun replace?

In some countries, corruption in the legal system has led to social unrest, and consequently **they** struggle to keep law and order. (Who is they? Specify as it is ambiguous)

In some countries, corruption in the legal system has led to social unrest, and consequently the authorities struggle to keep law and order.

- Miscellaneous

If/Whether

RULE 1: Use "whether" after verbs advise, choose, consider, discuss, and determine.

Wrong: We need to determine if the deadline can be changed.

Right: We need to determine whether the deadline can be changed.

RULE 2: After a preposition, use "whether".

Wrong: They were talking about if the information was correct.

Right: They were talking about whether the information was correct.

RULE 3: Always use whether before an infinitive

Wrong: The issue is if to proceed.

Right: The issue is whether to proceed.

Less/Fewer

Use “fewer” if you can count the items being tallied, use “less” for the quantity of something you cannot count.

Wrong: The court has ruled in this way on less than ten occasions.

Right: The court has ruled in this way on fewer than ten occasions.

Wrong: Company X conducts less compliance assessments each year than Company Y.

Right: Company X conducts fewer compliance assessments each year than Company Y.