

Legal Writing Plain English Second

A comprehensive guide to legal style and usage, with practical advice on how to write clear, jargon-free legal prose. Includes style tips as well as definitions.

This is a different kind of book about legal writing. It assumes its readers are good writers who have already absorbed most of the usual advice about legal writing. But they may lack the intellectual framework for 'thinking like a writer' with the same incisiveness with which they think like a lawyer. This book provides that framework. It focuses on the underlying principles for communicating complicated information clearly and for establishing your credibility with demanding audiences. As a result, it helps to transform good writers into first-rate ones, and to make them far more efficient and powerful editors of their own writing and of others' drafts. Its unique approach will benefit supervising lawyers who do more editing than writing, as well as lawyers who do their own drafting.

From Colleen Hoover, the #1 New York Times bestselling author of *It Ends With Us*, a heart-wrenching love story that proves attraction at first sight can be messy. When Tate Collins meets airline pilot Miles Archer, she doesn't think it's love at first sight. They wouldn't even go so far as to consider themselves friends. The only thing Tate and Miles

have in common is an undeniable mutual attraction. Once their desires are out in the open, they realize they have the perfect set-up. He doesn't want love, she doesn't have time for love, so that just leaves the sex. Their arrangement could be surprisingly seamless, as long as Tate can stick to the only two rules Miles has for her. Never ask about the past. Don't expect a future. They think they can handle it, but realize almost immediately they can't handle it at all. Hearts get infiltrated. Promises get broken. Rules get shattered. Love gets ugly.

Wayne Schiess's monthly column on legal writing has appeared in Austin Lawyer magazine for more than ten years. Now, Legal-Writing Nerd collects the best of those columns and presents them in a practical, useful book that's bound to raise your writing IQ. Lawyers, judges, paralegals, and law students will find dozens of ways to improve their legal writing in this informative and plainly written book.

Legal Writing in Plain English, Second Edition
A Text with Exercises
University of Chicago Press

Tackling the obfuscation inherent in legal language, Flesch isolates the elements in legal writing that make most documents beyond the layman's comprehension and offers remedies for each obstacle to easy reading and understanding

Good legal writing wins court cases. In its first edition, *The Winning Brief* proved that the key to writing well

is understanding the judicial readership. Now, in a revised and updated version of this modern classic, Bryan A. Garner explains the art of effective writing in 100 concise, practical, and easy-to-use sections. Covering everything from the rules for planning and organizing a brief to openers that can capture a judge's attention from the first few words, these tips add up to the most compelling, orderly, and visually appealing brief that an advocate can present. In Garner's view, good writing is good thinking put to paper. "Never write a sentence that you couldn't easily speak," he warns-and demonstrates how to do just that. Beginning each tip with a set of quotable quotes from experts, he then gives masterly advice on building sound paragraphs, drafting crisp sentences, choosing the best words ("Strike pursuant to from your vocabulary."), quoting authority, citing sources, and designing a document that looks as impressive as it reads. Throughout, he shows how to edit for maximal impact, using vivid before-and-after examples that apply the basics of rhetoric to persuasive writing. Filled with examples of good and bad writing from actual briefs filed in courts of all types, *The Winning Brief* also covers the new appellate rules for preparing federal briefs. Constantly collecting material from his seminars and polling judges for their preferences, the second edition delivers the same solid guidelines with even more supporting evidence. Including for the first time

sections on the ever-changing rules of acceptable legal writing, Garner's new edition keeps even the most seasoned lawyers on their toes and writing briefs that win cases. An invaluable resource for attorneys, law clerks, judges, paralegals, law students and their teachers, *The Winning Brief* has the qualities that make all of Garner's books so popular: authority, accessibility, and page after page of techniques that work. If you're writing to win a case, this book shouldn't merely be on your shelf--it should be open on your desk.

Admirably clear, concise, down-to-earth, and powerful--unfortunately, these adjectives rarely describe legal writing, whether in the form of briefs, opinions, contracts, or statutes. In *Legal Writing in Plain English*, Bryan A. Garner provides lawyers, judges, paralegals, law students, and legal scholars sound advice and practical tools for improving their written work. The book encourages legal writers to challenge conventions and offers valuable insights into the writing process: how to organize ideas, create and refine prose, and improve editing skills. In essence, it teaches straight thinking—a skill inseparable from good writing. Replete with common sense and wit, the book draws on real-life writing samples that Garner has gathered through more than a decade of teaching in the field. Trenchant advice covers all types of legal materials, from analytical and persuasive writing to legal drafting.

Meanwhile, Garner explores important aspects of document design. Basic, intermediate, and advanced exercises in each section reinforce the book's principles. (An answer key to basic exercises is included in the book; answers to intermediate and advanced exercises are provided in a separate Instructor's Manual, free of charge to instructors.) Appendixes include a comprehensive punctuation guide with advice and examples, and four model documents. Today more than ever before, legal professionals cannot afford to ignore the trend toward clear language shorn of jargon. Clients demand it, and courts reward it. Despite the age-old tradition of poor writing in law, *Legal Writing in Plain English* shows how legal writers can unshackle themselves. *Legal Writing in Plain English* includes:

- *Tips on generating thoughts, organizing them, and creating outlines.
- *Sound advice on expressing your ideas clearly and powerfully.
- *Dozens of real-life writing examples to illustrate writing problems and solutions.
- *Exercises to reinforce principles of good writing (also available on the Internet).
- *Helpful guidance on page layout.
- *A punctuation guide that shows the correct uses of every punctuation mark.
- *Model legal documents that demonstrate the power of plain English.

A new edition of the classic in legal writing covers the basics of the field with new examples that illuminate mechanics, word choice, structure, and

rhetoric.

From legal expert and veteran author Bryan Garner comes a unique, intimate, and compelling memoir of his friendship with the late Supreme Court Justice Antonin Scalia. For almost thirty years, Antonin Scalia was arguably the most influential and controversial Justice on the United States Supreme Court. His dynamic and witty writing devoted to the Constitution has influenced an entire generation of judges. Based on his reputation for using scathing language to criticize liberal court decisions, many people presumed Scalia to be gruff and irascible. But to those who knew him as “Nino,” he was characterized by his warmth, charm, devotion, fierce intelligence, and loyalty. Bryan Garner’s friendship with Justice Scalia was instigated by celebrated writer David Foster Wallace and strengthened over their shared love of language. Despite their differing viewpoints on everything from gun control to the use of contractions, their literary and personal relationship flourished. Justice Scalia even officiated at Garner’s wedding. In this humorous, touching, and surprisingly action-packed memoir, Garner gives a firsthand insight into the mind, habits, and faith of one of the most famous and misunderstood judges in the world.

Since the 1987 appearance of *A Dictionary of Modern Legal Usage*, Bryan A. Garner has proved to be a versatile and prolific writer on legal-linguistic

subjects. This collection of his essays shows both profound scholarship and sharp wit. The essays cover subjects as wide-ranging as learning to write, style, persuasion, contractual and legislative drafting, grammar, lexicography, writing in law school, writing in law practice, judicial writing, and all the literature relating to these diverse subjects.

This book provides a comprehensive guide to the essential rules of legal writing. Unlike most style or grammar guides, it focuses on the special needs of legal writers, answering a wide spectrum of questions about grammar and style -- both rules and exceptions. It also gives detailed, authoritative advice on punctuation, capitalization, spelling, footnotes, and citations, with illustrations in legal context. Designed for law students, law professors, practicing lawyers, and judges, the work emphasizes the ways in which legal writing differs from other styles of technical writing. Its how-to sections deal with editing and proofreading, numbers and symbols, and overall document design. Features: * Cautions on use of 500 stuffy phrases and needless legalisms, along with their everyday English translations * Details rules for 800 words with required prepositions in certain contexts * Explains the correct usage of more than 1,000 words that are often troublesome to legal writers * Gives tips on preparing briefs and other court documents, opinion letters and demand letters, research memos, and

contracts * Provides model documents of all types of legal documents and pleadings Reviews 200 terms of art that take on new meanings in legal contexts "Professor Joseph Kimble, a leading expert on plain language, has collected in this one book many of his published essays. They will interest and inform judges, lawyers, law students, legal scholars, and anyone else who engages in legal writing."--BOOK JACKET.

Carolina Academic Press will publish the fifth edition of Richard Wydick's *Plain English for Lawyers* in time for use in the fall of 2005. Wydick's little book has been a favorite of law students, legal writing teachers, lawyers, and judges for over 25 years. Last January, the Legal Writing Institute gave Wydick its Golden Pen Award for having written *Plain English for Lawyers*. The Legal Writing Institute is a non-profit organization that provides a forum for discussion and scholarship about legal writing, analysis, and research. The Institute has over 1,300 members representing all of the ABA-accredited law schools in the United States. Its membership also includes law teachers from other nations, English teachers, and practicing lawyers. The LWI award states: "*Plain English for Lawyers* . . . has become a classic. Perhaps no single work has done more to improve the writing of lawyers and law students and to promote the modern trend toward a clear, plain style of legal writing." In 2003 Wydick retired after 32

years on the law faculty of the University of California, Davis. But he still teaches his favorite course — a seminar in advanced legal writing for third-year law students. For the past eight summers he has also lectured at the International Legislative Drafting Institute presented in New Orleans by the Public Law Center, a joint venture of Tulane and Loyola law schools. There the audience consists of lawyers and non-lawyers from abroad who earn their living drafting legislation in many different languages. “Teaching at the Institute,” Wydick says, “is a precious opportunity to learn how much we English-users have in common with people who write laws in other languages.” How will the fifth edition of *Plain English for Lawyers* differ from its predecessors? Wydick promises that it will remain a little book, small enough and palatable enough not to intimidate over-loaded law students. “Most of the text will remain the same,” Wydick says, “but in the past seven years I’ve learned some new things about writing in English, and I want to share that with the readers.” In addition, the exercises at the end of the chapters will be different (a welcome change for long-time teachers who are tired of the old ones). Finally, the teacher’s manual will include additional exercises that teachers can give to students who want or need extra practice.

Admirably clear, concise, down-to-earth, and powerful—all too often, legal writing embodies none of

these qualities. Its reputation for obscurity and needless legalese is widespread. Since 2001 Bryan A. Garner's *Legal Writing in Plain English* has helped address this problem by providing lawyers, judges, paralegals, law students, and legal scholars with sound advice and practical tools for improving their written work. Now the leading guide to clear writing in the field, this indispensable volume encourages legal writers to challenge conventions and offers valuable insights into the writing process that will appeal to other professionals: how to organize ideas, create and refine prose, and improve editing skills. Accessible and witty, *Legal Writing in Plain English* draws on real-life writing samples that Garner has gathered through decades of teaching experience. Trenchant advice covers all types of legal materials, from analytical and persuasive writing to legal drafting, and the book's principles are reinforced by sets of basic, intermediate, and advanced exercises in each section. In this new edition, Garner preserves the successful structure of the original while adjusting the content to make it even more classroom-friendly. He includes case examples from the past decade and addresses the widespread use of legal documents in electronic formats. His book remains the standard guide for producing the jargon-free language that clients demand and courts reward.

In *Point Made*, Ross Guberman uses the work of great advocates as the basis of a valuable, step-by-step brief-writing and motion-writing strategy for practitioners. The author takes an empirical approach, drawing heavily on the writings of the nation's 50 most influential lawyers.

Writing for Litigation, Second Edition, explains and shows students how to draft litigation documents like a lawyer. Because litigation practice can't be boiled down to just a few forms, this text provides drafting instruction for the full range of documents used in litigation practice. Authors Kamela Bridges and Wayne Schiess systematically address how audience, purpose, strategy, and ethics factor into the content and tone of effective legal writing at every stage of a case—from client engagement letters to motions, discovery, affidavits, and jury instructions. Students will develop an understanding of the tone and content appropriate to their strategic objectives and their audience. The authors' backgrounds in legal practice shed light on lawyering skills in Practice Tips throughout the text. New to the Second Edition: Discussion of the ethical principles that govern each type of document, tied to the Model Rules of Professional Responsibility Text and examples that reflect the trend toward electronic filing of documents Revised treatment of discovery issues that reflect changes to the Federal Rules of Civil Procedure Sample e-mail letters to a client and opposing counsel How to communicate professionally with text messages Updated cover and page design that offer a new, modern look and more reader-friendly experience Professors and students will benefit from: Broad coverage of both common documents such as pleadings, discovery requests, and motions; and of ancillary documents such as demand letters, client communications, and affidavits Practical tips and advice on strategic legal drafting, writing unambiguously, and diversity sensitivity Clear guidance

to the component parts of each type of document A complete set of sample documents in the Appendix DON'T LET YOUR WRITING HOLD YOU BACK. When you're fumbling for words and pressed for time, you might be tempted to dismiss good business writing as a luxury. But it's a skill you must cultivate to succeed: You'll lose time, money, and influence if your e-mails, proposals, and other important documents fail to win people over. The HBR Guide to Better Business Writing, by writing expert Bryan A. Garner, gives you the tools you need to express your ideas clearly and persuasively so clients, colleagues, stakeholders, and partners will get behind them. This book will help you:

- Push past writer's block
- Grab—and keep—readers' attention
- Earn credibility with tough audiences
- Trim the fat from your writing
- Strike the right tone
- Brush up on grammar, punctuation, and usage

This book shows you how to write for customers and clients in language that's easy to understand. It is a thorough companion to the writing process, with comprehensive guidance and advice on understanding your readers, planning and creating your text, and presenting your words in a good design. The contributor list reads like a who's who of plain language experts. Plain Language in Plain English is a valuable resource for governments, businesses, service providers, and professionals in any field to improve their communication. From organizational guidelines, literacy awareness, and reader expectations, to effective speaking strategies for presentations, Plain Language in Plain English, is a comprehensive tool to have in your

â€œcommunication toolbox.â€

This is an invaluable tool for students to use in conjunction with the main text. The book is geared toward the kind of writing done by first-year law students in a standard legal writing course: memorandums and briefs. The book offers the legal writer a concise, easy to understand, insider's introduction to the world of legal writing.

A complete guide to clean, precise and understandable legal writing So many books give you advice that turns out to be hollow: "know your audience," "structure your writing." The real strength in Plain Language Legal Writing is how, throughout, Stephens provides clear instructions on how to accomplish what she's recommending. Instead of just telling you to plan what you're going to write, she walks you step-by-step through the planning. Instead of telling you to consider your audience before writing, she describes in detail the sorts of audiences a legal document might have (more than you'd expect!) and how to best meet their needs. Plain Language Legal Writing will help you produce documents that people are willing to read and able to understand. More: PlainLanguageLegalWriting.com Other versions: e-book

"Professional Writing for Lawyers was originally designed to complement Richard Wydick's Plain English for Lawyers, but also can be used as a stand-alone legal writing text. Readers will learn to approach writing as a process of thinking, outlining, drafting, revising, and editing to produce a final draft. To help the reader understand this process, several examples are rewritten,

integrating the principles of plain English that teach the reader to develop a clear, concise, and readable style. This second edition revises citations and legal references, maintaining the easy to read and quick reference value of the first edition."

This book seeks to change public and legal writing—by making the ultimate case for plain language. The book gathers a large body of evidence for two related truths: using plain language can save businesses and government agencies a ton of money, and plain language serves and satisfies readers in every possible way. The book also debunks the ten biggest myths about plain writing. And it looks back on 40 highlights in plain-language history. Professor Joseph Kimble is a leading international expert on this subject. Here is the book that sums up his important work. His message is vital to every government writer, business writer, and attorney. In this groundbreaking book, Scalia and Garner systematically explain all the most important principles of constitutional, statutory, and contractual interpretation in an engaging and informative style with hundreds of illustrations from actual cases. Is a burrito a sandwich? Is a corporation entitled to personal privacy? If you trade a gun for drugs, are you using a gun in a drug transaction? The authors grapple with these and dozens of equally curious questions while explaining the most principled, lucid, and reliable techniques for deriving meaning from authoritative texts. Meanwhile, the book takes up some of the most controversial issues in modern jurisprudence. What, exactly, is "textualism?" Why is "strict construction" a bad thing? What is the true doctrine of

"originalism?" And which is more important: the spirit of the law, or the letter? The authors write with a well-argued point of view that is definitive yet nuanced, straightforward yet sophisticated.

This is Joseph Kimble's second book of essays. The first, published in 2006, was acclaimed as "superb," "invaluable," and "a treasure." *Seeing Through Legalese* collects his more recent writings and promises to be equally good. Kimble, now a distinguished professor emeritus, is a leading figure in the international effort to bring a clearer, plainer style to legal writing and drafting. Every lawyer, law student, legislative drafter, and legal scholar will benefit from these essays. They are brimming with sound advice, helpful guidelines, and real-world examples (drawn in large part from his work in redrafting federal court rules). And several of them respond to the continuing false criticisms of plain legal language. Readers will find variety, inspiration, and instruction in these pages, all delivered in the author's spirited, incisive style.

The Lawyer's Essential Guide to Writing is a readable, concrete guide to contemporary legal writing. Based on Marie Buckley's years of experience coaching lawyers, this book provides a systematic approach to all forms of written communication, from memoranda and briefs to e-mail and blogs. The book sets forth three principles for powerful writing and shows how to apply those principles to develop a clean and confident style.

"No writer, beginning or experienced, will want to be without this book." —Jean Auel, #1 New York Times bestselling author of *The Clan of the Cave Bear* and the

Earth's Children series A career as a writer involves much more than the act of writing itself. In *The Law (in Plain English) for Writers*, Fifth Edition, Leonard DuBoff and Sarah Tugman proffer invaluable advice for the myriad legal and business facets of being a writer. Readers will discover how to succeed in every area affecting a writer's livelihood, such as submissions, dealing with agents, taxes, permissions, royalties, alternatives to mainstream publishers, copyright, book and magazine contracts, and how to prevent disputes. This newly revised edition, keeping up with the changing legal landscape, contains information on a variety of legal issues pertinent to writers of all types, including: Updated coverage on issues such as how to avoid trouble posed by the interplay between the right to free speech, privacy, and defamation law Changes in the copyright law, procedures, and recent cases on copyright protection and infringement Updated and revised chapters on the business of writing New and updated Internet resources For writers of all levels, this comprehensive resource is the key to turning a writing career into a sustainable livelihood.

The Law (in Plain English)® for Writers Second Edition Few professional writers can afford round-the-clock legal counsel. Fortunately, you can afford to have the next best thing: this down-to-earth guide to every important legal question a writer may face — without the burden of an hourly fee. You'll get clear advice on the day-to-day issues that can plague any writer — like getting through pages of contract legalese and dealing with agents and legal professionals. Packed with practical answers — plus

a special appendix on helpful organizations and a glossary of commonly used legal and publishing terms, *The Law (in Plain English) for Writers, Second Edition* gives you the insight to: Understand the basic elements of all contracts with book and magazine publishers and keep your taxes low Find the right publisher — and what to know and watch out for if you're considering self-publishing Make the most of copyright laws and the protections they offer Understand censorship, obscenity, defamation, and libel laws Protect your right to privacy Take advantage of the business laws that pertain to writers Know when it's in your best interest to find a lawyer and how to go about it

A guide to proper American English word usage, grammar, pronunciation, and style features examples of good and bad usage from the media.

Just Writing covers the basic principles of good legal writing — including style, grammar, and punctuation — and demonstrates them through numerous examples. The text provides legal writers of all experience levels with tips, techniques, and helpful advice for every step of the process: planning, drafting, revising, editing, and proofreading. However, *Just Writing* goes further, guiding students to eloquence in concise legal prose. The text provides valuable resources for English-as-a-Second-Language students and teachers.

Presents the basics of writing legal briefs and giving oral arguments, with discussions on the essentials of building a case through legal reasoning and the key elements of persuasive and successful oral pleading in the courtroom. From a master teacher and writer, a fully revised and updated edition of the results-oriented approach to legal writing that is

clear, that persuades—and that WINS. More than almost any profession, the law has a deserved reputation for opaque, jargon-clogged writing. Yet forceful writing is one of the most potent weapons of legal advocacy. In this new edition of *Writing to Win*, Steven D. Stark, a former lecturer on law at Harvard Law School, who has inspired thousands of aspiring and practicing lawyers, applies the universal principles of powerful, vigorous prose to the job of making a legal case—and winning it. *Writing to Win* focuses on the writing of lawyers, not judges, and includes dozens of examples of effective (and ineffective) real-life legal writing—as well as compelling models drawn from advertising, journalism, and fiction. It deals with the challenges lawyers face in writing, from organization to strengthening and editing prose; offers incisive ways of improving arguments; addresses litigation and technical writing in all its forms; and covers the writing attorneys must perform in their daily practice, from email memos to briefs and contracts. Each chapter opens with a succinct set of rules for easy reference. With new sections on client communication and drafting affidavits, as well as updated material throughout, *Writing to Win* is the most practical and efficacious legal-writing manual available.

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