

Preface

Communication is the key to success. No matter how brilliant a lawyer's ideas may be, those ideas will remain unheard if the lawyer cannot communicate them effectively. Consequently, legal writing is a fundamental skill for lawyers and law students.

I have written this book to help lawyers and law students improve their writing. This book is self-contained (the answers to the exercises are located immediately following the exercises). Lawyers in any stage of their career can use it to help improve their writing skills, or they can use it to become aware of what they should correct in the writing of their employees. Law students can employ this tome to improve their writing immediately before law school or while they are taking legal writing. Legal writing professors can adopt it as a supplement in legal writing class. Writing and academic support specialists can use it to help struggling law students. Finally, while I have written this book specifically for lawyers, most of it can be used by anyone who wants to write better.¹

How is this book different from other books on legal writing? It mainly teaches you editing and writing through exercises. Many books on legal writing have few editing exercises. However, educational researchers believe that the most effective way to learn is through active learning—through doing.²

1. Legal writing is specialized writing; it has terminology, techniques, and forms of its own. However, the keys to clear and effective writing are the same for legal writing and other types of expository writing. Legal writing is not a foreign language. It begins with the same fundamentals as other types of writing, and it adopts those fundamentals to the needs of legal problem solving.

2. Michael Hunter Schwartz et al., *Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam*, 5, 13 (2009). Although this book is based on recent research in educational methods and cognitive psychology, I will only be discussing theory in the footnotes and then only briefly. For more on how education research and cognitive psychology affects legal education, see generally E. Scott Fruehwald, "How to Help Students from Disadvantaged Backgrounds Succeed in Law School," 1 Tex. A.M. L. Rev. 83 (2013).

Active learning also helps turn items in short-term memory into long-term memory.³ In addition, educational experts think that repetition helps one retain knowledge in long-term memory; a pattern needs to be retrieved again and again to become a permanent memory or skill.⁴ Similarly, the key to becoming a good writer and editor is awareness. Fixing writing problems once you find them is usually easy. The hard part is finding the mistakes in your writing. The exercises in this book will help you develop the ability to find problems in your writing and the writing of others. I believe that the numerous exercises in this book will help you improve your writing much more than books that contain no exercises or only a few exercises.

This book is also different because it covers subjects that other legal writing books don't cover, such as creating emphasis, continuity and flow within paragraphs, continuity and flow between paragraphs, small-scale organization, and taking a holistic approach to writing. Producing clear and effective writing involves much more than being able to change passive voice to active voice and eliminating wordiness. It concerns being able to combine the mechanics of writing with a conceptual (holistic) view of writing.

It is very important that you do the exercises slowly and carefully. One cannot learn superficially. You should make sure that you understand each concept, and, when you make a mistake, why you have made that mistake. In addition, you should make sure that you understand all the answers.

This book begins with an introduction that presents the general principles of clear and effective writing. The remaining chapters deal with the details of editing, progressing from editing sentences to large-scale organization. Chapter 2 concerns active and passive sentences and writing with verbs. Chapter 3 involves editing for wordiness. Chapter 4 teaches emphasis, clarity, and specificity, while Chapter 5 shows how to combine sentences and edit paragraphs. Chapter 6 covers organizing paragraphs and creating coherence. Chapter 7 shows you how to write a small-scale paradigm, and Chapter 8 discusses large- and medium-scale organization. The book

3. Duane Shell et al., *The Unified Learning Model: How Motivational, Cognitive, and Neurobiological Sciences Inform Best Teaching Practices*, 11, 23 (2010) ("It appears that when working memory processing attends to something it has temporarily stored, it is more likely to be permanently stored."); see also Fruehwald, "How to Help Students," at 86.

4. Shell, *The Unified Learning Model*, at 12.

concludes with review exercises and a glossary. Although I have written this book to be read consecutively, you can skip to a chapter that teaches an editing skill that you are having particular problems with.

I start each of my legal writing classes by telling my students that my goal for the class is to make myself unnecessary. I want them to take what I have taught them and use that to become their own critic of their writing—to become their own legal writing teacher. I hope I can do the same for you with this book.