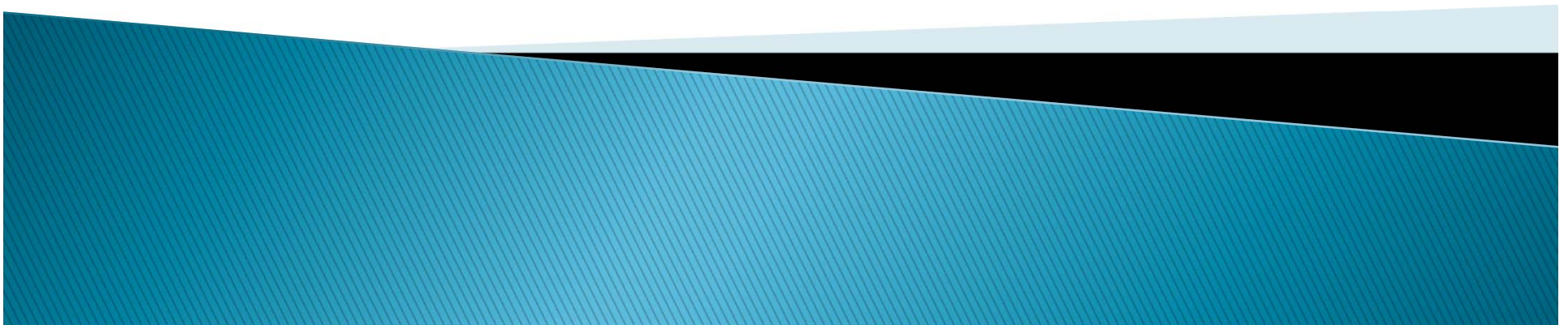


WRITING TIPS FOR INTERNATIONAL STUDENTS

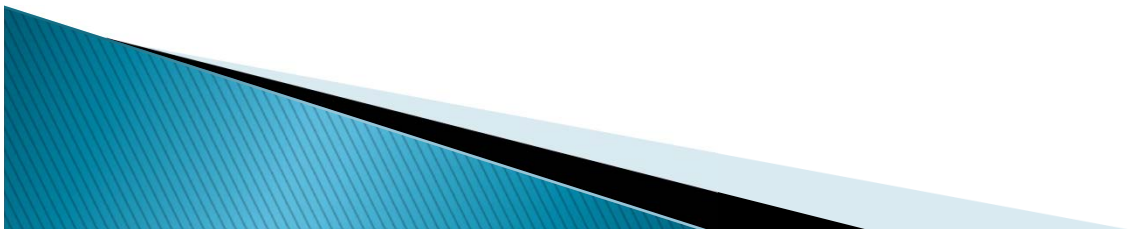
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March 18, 2019



Cultural assumptions about writing

- ▶ If the reader doesn't understand, whose fault is it?
- ▶ Writer-responsible culture
 - The writer is primarily responsible for the success of the communication
- ▶ Reader-responsible culture
 - The reader is primarily responsible for the success of the communication.

- Anne Enquist, Laurel Currie Oates & Jeremy Francis, Just Writing 279–85 (5th ed. 2017).



American legal writing--cultural expectations

- ▶ The writer is responsible for the communication
 - Reader's time is more important than the writer's—relevant information only
 - Be direct and explicit about your thinking: “make the reader feel smart” by explaining a complicated topic clearly
 - Legal writing is functional
 - Take a position and support your position
 - Use attribution—other people's ideas have value

◦ Anne Enquist, Laurel Currie Oates & Jeremy Francis, Just Writing 280–85 (5th ed. 2017).







1. Use plain English.

- ▶ Don't use “legalese” unless it's a legal term of art.



Don't use the \$10 word when there's a simpler word choice.

- ▶ Prior to  before
- ▶ Subsequent to  after
- ▶ At that point in time  then
- ▶ For the reason that  because



What does this mean?

At the point in time immediately subsequent to the termination of the aforesaid altercation on the above described premises, the defendant-appellant removed himself from the aforementioned locus and repaired to a situs on the premises immediately adjacent thereto.



Which is easier to read?

- ▶ At the point in time immediately subsequent to the termination of the aforesaid altercation on the above described premises, the defendant-appellant removed himself from the aforementioned locus and repaired to a situs on the premises immediately adjacent thereto.
- ▶ After the fight, the defendant went outside.



2. Use short sentences.

- ▶ One main idea per sentence.
- ▶ Follow the “one-breath rule.”



What does this mean?

- ▶ In a trial by jury, the court may, when the convenience of witnesses or the ends of justice would be promoted thereby, on motion of a party, after notice and hearing, make an order, no later than the close of the pretrial conference in cases in which such pretrial conference is to be held, or in other cases, no later than 10 days before the trial date, that the trial of the issue of liability shall precede the trial of any other issue in the case.
- ▶ Richard C. Wydick & Amy E. Sloan, Plain English for Lawyers 34 (6th ed. 2019).



Try this:

- ▶ In a jury case, the court may order the liability issue to be tried before any other issue. The court may make such an order if doing so serves the convenience of witnesses or the ends of justice. The court may make the order on a party's motion, after notice and hearing. In a case with a pretrial conference, the court may make the order no later than the end of the conference. In a case with no pretrial conference, the court may make the order no later than ten days before the trial date.

- ▶ Richard C. Wydick & Amy E. Sloan, Plain English for Lawyers 35 (6th ed. 2019).
- 

3. Use simple, clear sentence structure.

- ▶ Subject–Verb–Object is the clearest sentence structure.
- ▶ Avoid the passive voice.



Compare

- ▶ The dog bit the child. (active)
- ▶ The child was bitten by the dog. (passive)
- ▶ The child was bitten. (passive)



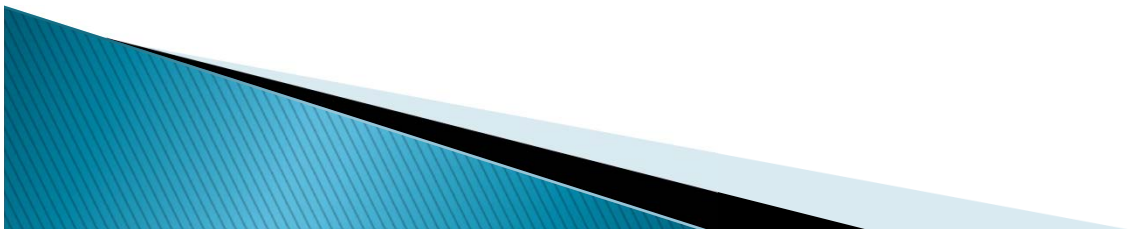
Why does voice matter?

- ▶ Passive voice uses more words.
- ▶ The reader's eye naturally looks for who did what to whom.
- ▶ Use the active voice unless you have a good reason not to.
 - You don't know who the subject is
 - What happened is more important than who did it
 - Strategy: to "hide the ball"



4. Avoid unnecessary clutter.

- ▶ Avoid “throat-clearing” expressions that add little meaning.
- ▶ It is clear that Congress intended to include websites in the definition of public accommodations.
- ▶ Please note that the court will recess shortly.



5. Use short paragraphs

- ▶ Use one main idea per paragraph.
- ▶ Long blocks of text are difficult to read.



6. Use topic sentences and signposts

- ▶ Start your paragraph with a topic sentence that tells the reader what the main point of the paragraph is.
- ▶ If multiple paragraphs address the same topic, use transitions between paragraphs.
- ▶ Use headings and subheadings
- ▶ Use signposts:
 - First,
 - Second,
 - Finally,



7. Don't overuse quotations

- ▶ Paraphrase most of the time.
- ▶ When you do quote, quote only the relevant parts.



8. Don't procrastinate!

- ▶ It will take longer than you think.
- ▶ Try to spend as much time writing as you did researching.
- ▶ Plan on writing multiple drafts



9. Proofread carefully

- ▶ Use spellcheck and grammar check, but don't rely solely on them.
- ▶ Try proof-reading from back to front, one sentence at a time.



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- ▶ Room 472A



Other Resources

- ▶ Anne Enquist, Laurel Currie Oates & Jeremy Francis, Just Writing (5th ed. 2017).
- ▶ Richard C. Wydick & Amy E. Sloan, Plain English for Lawyers (6th ed. 2019).
- ▶ Elizabeth Fajans & Mary R. Falk, Scholarly Writing for Law Students (3d ed. 2005).

