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Road to legal writing paved with attention to reader

By Kathleen Elliott Vinson

Write On is an occasional feature providing guidance to attorneys on writing legal memoranda and briefs.

Good writing can have a positive impact on your reader in a short amount of time if you guide the reader throughout the document, controlling the flow of information in each section, paragraph and sentence.

Legal readers read in haste, not with leisure and patience. Write for your reader, not for yourself.

Roadmaps and signposts

Make the organization of your analysis obvious to the reader by drafting roadmaps, or thesis paragraphs, at the beginning of the discussion or argument of each legal issue in your document.

Roadmaps provide the reader with the framework or context to understand the more specific information in the document.

An effective roadmap will state your overall conclusion or issue, the controlling legal principles, and a brief summary of your analysis.

Just as roadmaps are helpful to orient a reader, signposts or headings can help the reader to understand how points relate to each other and to your overall theme.

Signposts can also break up your analysis into logical parts. For example, if you are analyzing one major legal issue consisting of three sub-issues, you could draft a major point heading (signpost) regarding the overall issue, a thesis paragraph (roadmap) alerting the reader to the organization of your analysis of the three sub-issues, and three sub-point headings (signposts) for the analysis of each sub-issue.

The use of these roadmaps and signposts will make the reader feel empowered, informed, and confident.

Structure and connections

After making the large-scale organization of your analysis explicit through roadmaps and signposts, continue to guide the reader on a small scale by reviewing each paragraph for appropriate length, unity and internal coherence.

For the reader to digest the information, the writer should draft paragraphs in manageable pieces. A general guide is one idea per paragraph; check for unity by seeing if all the sentences in your paragraph relate to the same idea. Then check to see if the first sentences of your paragraphs, the topic or thesis sentences, reflect the point of the paragraphs.

The use of strong topic or thesis sentences will grab the reader's attention and help the reader understand the significance of the information in the paragraph; take advantage of this stress position and state the significance of that fact.

Copy and paste the first sentence of each paragraph onto a separate piece of paper, and review your topic or thesis sentences; they should reflect a skeletal outline of your points.

Once you grab the reader's attention through topic or thesis sentences, keep the reader's attention by checking paragraphs for internal coherence. The ideas in the paragraph should be stated in a logical sequence.

To avoid choppy writing, use transitions to improve the flow of information and to show connections of ideas and points between paragraphs and within a paragraph.

Precision and brevity

Two words to live by when writing for the reader are "precision" and "brevity."

Choose words that make the reader comfortable by using plain, precise and consistent language. Avoid using legalese (heretowith, aforementioned etc.), and make sure that the words you are using convey your intended meaning.

Also, do not waste the reader's time. Use short sentences instead of run-on sentences.

To avoid possible confusion, keep the subject and verb close together, moving any clauses to the beginning or end of the sentence. A reader should never have to read a word, sentence or paragraph twice to understand it or to discern how it relates to your other points and overall theme.

In sum, be kind to your reader.

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