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Improve Your Legal Writing

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Improve Your Legal Writing

We all want to improve our legal writing. Well, most of us do. And some of those who don't have this as a goal ought to. But deadlines get in the way. We intend to improve, but then don't get started as soon as we want, or get interrupted, and end up churning out something serviceable right before the deadline. We tell ourselves that we'll do better—next time.

Recognizing this reality, this paper will address how to improve your legal writing over the short, medium, and long run. We'll look at techniques to use if you are staring down a deadline, if you are starting a new project, and if you are trying to improve over the course of your career.

Short term

A legal document written in a rush isn't likely to be stellar. But that doesn't mean you can't make it better, even if you have to finish it today. To improve a document before sending it out the door: (1) verify your authority, (2) check your signposts, and (3) let technology help you.

Verify your authority

If you are writing about the law, the law is the most critical part of your writing. You must make sure everything you've written about the law is accurate. Some writers will spend those last few minutes verifying the accuracy of their citation *form*. Yes, some readers will care about your cite form, and some may even use that citation form as a proxy for your overall competence. But a citation form mistake is unlikely to cost you your case, while an inaccurate representation of authority might. So don't spend your last few minutes with the Bluebook, determining whether the abbreviation of "County" has changed. (It has, by the way—from "Cnty." in the nineteenth edition of the Bluebook to "Cty". in the twentieth edition. Apparently those meddling kids at Harvard, Columbia, Penn, and Yale have too *much* time on their hands.)

Instead, verify that your representations of authority are accurate and up to date. Ideally, your document has hyperlinks to the authorities you cite. That will speed up this process. But if you can't click on hyperlinks, open Google Scholar and use it to look up each case you cited. Compare what the authority says to what you wrote. If the reader does the same thing, will the reader feel misled? Did you accurately represent not only what the authority said, but what it meant? Check the context to confirm that the authority wasn't saying something broader, narrower, or just different from what you said.

This is also the time to make sure that the authority is still good law. If you haven't already run each authority through a citator, now is the time to do so. Even if you did so as you were writing, confirm at the last minute that nothing has changed in the interim. Better to

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