

# IT'S NEVER TOO LATE TO LEARN GOOD WRITING SKILLS

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Writing samples can be one of the more difficult aspects of a lawyer's job search. A bad writing sample can harm your chances of being hired. The good news, however, is good writing skills can help you get your dream job.

It is worth your time to make sure your writing sample is perfect. A poorly written sample says you don't really care about your work product. Plus, it is the one part of your candidacy package you can control. While you can't change your grades, law school or employment history, you can promote yourself with a fabulous writing sample.

Although a good writing sample is important, do not despair. Writing is hard to teach, and even harder to learn. Your underdeveloped skills likely are not your fault. Here are some tricks of the trade which can help all attorneys, from seasoned appellate lawyers to recent law school graduates, write better:

**Shorter is better.** Notice that legal writings are not called "longs." They are called "briefs." Although I am no legal historian, I would bet the farm this moniker is not accidental. Remove every word not absolutely necessary to make your point. (If you noticed here I should have removed "absolutely" – you are getting the point.) If you are choosing between two words, pick the shorter. When necessary, reconstruct sentences in order to omit even one word. Each sentence should fall apart if one more word is omitted. Do this every day or two for five to ten days. Then skip a week and compare your first version with your last. You will be shocked at how much better the shorter version reads.

**Spend most of your time editing, not writing.** I have heard it said there are no great writers, only great editors. This is especially true for writing samples, since you are probably working from something you have already drafted. As in any writing, the bulk of your time should not be spent writing, but revising.

**Say it out loud.** If you are struggling with a sentence, stop and try to speak your point. Literally say it out loud. We are better able to make points succinctly and clearly in speech because the brain is accustomed to summarizing thoughts when preparing to speak.

**Give a roadmap to your arguments – make your points first.** Many lawyers make the critical mistake of waiting until the end of sections and paragraphs to make their points. Readers, however, prefer to know the point first, as it helps put the rest of the writing into context. The purpose of 99% of your words is to support only a handful of points. Yet it can be hard to follow the arguments if the reader doesn't know the ultimate point. Think how confusing it would be if you listened to a speech without knowing the topic beforehand – the speaker just started speaking. It would be hard to follow the speaker's statements without knowing the point being made. Afterward, once you knew the speech's purpose, you'd think, "Now I understand where she was going with that." Although legal writings have titles, lawyers need to begin each paragraph with a topic sentence and each section with a short heading stating the point being made in that section.

**Topic sentences should make sense one read after another.** Read each topic sentence in a section, one after the other. The sentences should flow together logically, each building on the previous one, leading to the main point being made. If not, rearrange the paragraphs.

**Use short sentences.** Each sentence should introduce only one idea. If necessary, divide long sentences into two or more sentences. It is easier to read three short sentences than one long one. Journalism is

about keeping readers engaged with short and succinct sentences. You need to keep your reader interested as well.

**Each double-spaced page should contain at least two paragraphs.** When necessary, you may use one complete paragraph and the beginning of a second. Little is more tiresome to a reader than a page without paragraph indentations.

**Cite only the pertinent parts of cases and statutes.** Try to quote only what is necessary from statutes and cases. Use ellipses when necessary to omit all unnecessary words before and after the relevant language in the case or statute.

**Better yet, use the quotation to make your point in the same sentence.** When possible, attempt to quote cases and statutes within the context of your ultimate point. A sentence such as, “Dr. Smith’s statement that Jones was hemorrhaging was a ‘[s]tatement[] made for purposes of medical diagnosis or treatment’ which should have been admitted into evidence as an exception to the hearsay rule under Mil. R. Evid. Section 803(4),” is preferable to “The trial court should have admitted Smith’s testimony that Jones was hemorrhaging. Mil. R. Evid. Section 803(4) holds a ‘[s]tatement[] made for purposes of medical diagnosis or treatment’ is not excluded by the hearsay rule. As such, Dr. Smith’s statement should have been admitted into evidence.”

**Avoid legalese.** While sometimes unavoidable, avoid boilerplate terminology, legalese, clichés and legal terms of art. When possible, use plain English. Don’t use words and phrases such as “aforementioned,” “during the course of,” “forthwith,” “for the reason that,” “I would argue that,” and other clunky and unnecessary words and terms. For example, substitute “during” for “in the course of,” and “despite” for “notwithstanding.” Since we are not accustomed to these words in our daily lives, our brain must pause to “register” them. This pause interferes with the flow of your argument.

**Avoid using a writing sample about a complicated or obscure area of law.** Remember your reader, although a lawyer, may not be familiar with the particular substantive issue you are covering. Try to use a sample about a general issue of law. Don’t force your reader to dust off his old Black’s.

**Don’t italicize or bold.** If your arguments are cogent and persuasive, there is no need to scream them. It is a hallmark of immaturity or insecurity in your argument. You wouldn’t do it in court, so don’t do it in your writing. The only language that could be italicized or bolded is particularly pertinent language quoted from cases and statutes. Even then, do it only infrequently or it loses its power, and remember to add (emphasis added) to the end of the citation.

**Read it a few days later, then a week later.** It is hard to edit a document when you are “too close” to it. Since you know your points intimately, it is difficult to perceive how your writing sample will read to someone unfamiliar to it. It is imperative, therefore, that you read it after a few days. Only then will you see what needs to be clarified, restated or moved around. When you’ve done this a few times and you think you are done, read it again after a week. Then, you might be done.

**When you think you are done, have others read it.** Have everyone you know read it. Then ask them to summarize the more important sections. You may be surprised that points you think are obvious are not being made clear to your reader. Even non-lawyers should be able to understand most of your basic arguments. If not, revise, revise, revise.