

# Three Legal Writing Techniques For the Future, Fearful Law Student



Please allow me to be delusional for one sentence.

As a future lawyer with little experience in regards to any legal writing, I still feel comfortable adapting my writing techniques to write a strong legal argument. Why, you might ask? Because I spent the past 20 weeks camped out in my school's library learning every possible grammatical rule for my minor, which also required writing on multiple podcasts that discuss legal writing.

Here's what I learned. Even within the law, which has a foundation in practicality, writing continues to remain an art form to be mastered. Lawyers like concise, straightforward, and impactful prose. And so do I—though my writing style sometimes says otherwise. As a result, I have three key techniques that I plan on packing in my pink law school tote bag.

## **1. Passive Voice is Concision's Public Enemy Number One**

“We all love a linking verb and prepositional phrase combination induced by passive voice—”said no lawyer ever. To state your point in any piece of writing, you need to be direct. Removing the passive voice requires eliminating unnecessary linking verb and

active verb combinations from your mind and reformatting how you articulate your day-to-day voice and writing.

For instance, when your boss finds out that “the memo was written by Brenda,” they are already bored once you make it to Brenda because you took five letters to get there. Instead, chop “was” and “by,” and start your sentence with Brenda: “Brenda wrote the memo.”

We often underestimate the power of eliminating the passive voice. Mainly because we forget that we have two different voices. Nonetheless my point remains the same: observing where your passive voice comes out is most of the battle. Once you get into the habit of writing strictly active, you never go back, because again, you will forget about your writing enemy in the first place.

## 2. Straightforward Sentences and Sentence Variety are Friends

Although the headline above sounds counterintuitive, you need to vary sentences to keep writing straightforward. Even our founding lawyers would have cracked a yawn upon viewing a legal draft or judicial opinion that only used “subject-verb-object” sentences. Thus, varying structure can be your friend.

Here are some of my favorite ways to spice up your sentences plus examples since I’m feeling generous:

- **Semicolons:** The plaintiff failed to provide notice within the required timeframe; therefore, the claim is barred under the express terms of the agreement.
- **Em Dash:** The defendant’s actions—arguably within the bounds of contractual discretion—gave rise to a plausible claim of bad faith.
- **Gerunds:** By failing to disclose the conflict of interest, the board risked breaching its fiduciary duty to the shareholders.

## 3. Pack a Punch in a Written or Oral Legal Argument with a Resumptive Clause

My professor once told me that Barack Obama loves a resumptive clause, which was enough to sell me the rhetorical technique. But after the initial fog of my favorite President faded from my mind, I had absolutely no idea what a resumptive clause even was. And I assume that neither do you.

A resumptive clause refers back to the primary subject of a sentence to help describe one of its features or to emphasize one of its main points. In my opinion, resumptive clauses are the most effective when you restate the subject verbatim and place the statement following a comma or em-dash. Here is a sentence that uses a resumptive clause to reinforce the “dumb blonde stereotype,” which I can write because I am blonde and occasionally dumb:

“That blonde made up a word in her essay—the same blonde who confused “the cat’s out of the bag” phrase for a dog.” Here the relative clause following the em dash in my made up (totally fictional) statement is our resumptive clause; I employ the device to emphasize the concerning IQ of my fellow blonde friend.

### Emma’s Big and Inspirational Conclusion!

As a lawyer nepotism baby with two parents in a big law firm, I was told by both that they do not even know what they look for in writing—incredibly concerning. But this glaring red flag of a statement taught me an important lesson before crafting my post. The best technical writers take what they have learned and harness their craft to whatever their profession calls for. Every tip I gave today could serve any individual. And even though I know virtually no legal jargon, I will eventually learn the words and create amazing briefs or judiciary opinions using the writing techniques I know. And now, so will you.