Legal Writing and Drafting

Admirably clear, concise, down-to-earth, and powerful—all too often, legal writing embodies none of these qualities. Its reputation for obscurity and needless legalese is widespread. Since 2001 Bryan A. Garner’s Legal Writing in Plain English has helped address this problem by providing lawyers, judges, paralegals, law students, and legal scholars with sound advice and practical tools for improving their written work. Now the leading guide to clear writing in the field, this indispensable volume encourages legal writers to challenge conventions and offers valuable insights into the writing process that will appeal to other professionals: how to organize ideas, create and refine prose, and improve editing skills. Accessible and witty, Legal Writing in Plain English draws on real-life writing samples that Garner has gathered throughout his career. Trenchant advice covers all types of legal materials, from analytical and persuasive writing to legal drafting, and the book’s principles are reinforced by sets of basic, intermediate, and advanced exercises in each section. In this new edition, Garner preserves the successful structure of the original while adjusting the content to make it even more classroom-friendly. He includes case examples from the past decade and addresses the widespread use of legal documents in electronic formats. His book remains the standard guide for producing the jargon-free language that clients demand and courts reward.

Professional Writing for Lawyers

Designed for upper-level survey legal drafting courses, this groundbreaking text explains drafting using a common vocabulary that applies to any legal document based on a fundamental rule structure, including statutes and other forms of public drafting as well as contracts and other forms of private drafting. This unified drafting approach gives students a common denominator approach to drafting all kinds of legal documents. In addition, students can use the techniques they’ve learned to deconstruct, interpret, and revise any kind of legal document composed of rules. This common-sense approach of teaching/learning a single vocabulary and set of skills to use in drafting any rules-based legal document is an innovative model for U.S. legal drafting courses, though it has been used in other countries for decades. Key Features: A unified approach that teaches students the general skills of drafting rules of law—duties, discretionary authority, and declarations, including their conditions in legal tests. Practice applying those skills to drafting a range of documents, including contracts, statutes, regulations, and other. Coverage of how courts interpret the rules and how to draft anticipating what the courts will do. An understanding of how law governs human behavior through the rules that students learn to draft. A wide range of classroom exercises on the detail of drafting. Additional drafting assignments, for use in and out of class, that help students learn how to use the rules and to accomplish clients’ goals.

The Fundamentals of Legal Drafting

Designed for upper-level survey legal drafting courses, this groundbreaking text explains drafting using a common vocabulary that applies to any legal document based on a fundamental rule structure, including statutes and other forms of public drafting as well as contracts and other forms of private drafting. This unified drafting approach gives students a common denominator approach to drafting all kinds of legal documents. In addition, students can use the techniques they’ve learned to deconstruct, interpret, and revise any kind of legal document composed of rules. This common-sense approach of teaching/learning a single vocabulary and set of skills to use in drafting any rules-based legal document is an innovative model for U.S. legal drafting courses, though it has been used in other countries for decades. Key Features: A unified approach that teaches students the general skills of drafting rules of law—duties, discretionary authority, and declarations, including their conditions in legal tests. Practice applying those skills to drafting a range of documents, including contracts, statutes, regulations, and other. Coverage of how courts interpret the rules and how to draft anticipating what the courts will do. An understanding of how law governs human behavior through the rules that students learn to draft. A wide range of classroom exercises on the detail of drafting. Additional drafting assignments, for use in and out of class, that help students learn how to use the rules and to accomplish clients’ goals.

Plain English for Lawyers

Good legal writing winscourt cases. It is in first edition, The Winning Brief proved that the key to writing well is understanding the judicial readership. Now, in a revised and updated version of this modern classic, Bryan A. Garner explains the art of effective writing in 100 concise, practical, and easy-to-use sections. Covering everything from the rules for planning and organizing a brief to opening a case that can capture a judge's attention from the first few words, these tips add up to the most compelling, orderly, and visually appealing brief that an advocate can present. In Garner's view, good writing is good thinking put to paper. "Never write a sentence that you couldn't easily speak," he warns, and demonstrates how to do just that. Beginning each tip with a set of quotable quotes from experts, he then gives masterly advice on building sound paragraphs, drafting crisp sentences, choosing the best words ("Strike pursuant to from your vocabulary."). quoting authority, citing sources, and designing a document that looks as impressive as it reads. Throughout, he shows how to edit for maximal impact, using vivid before-and-after examples that apply the basics of rhetoric to persuasive writing. Filled with examples of good and bad writing from actual briefs filed in courts of all types, The Winning Brief also covers the new appellate rules for preparing federal briefs. Constantly collecting material from his seminars and polling judges for their preferences, the second edition delivers the same solid guidelines with even more supporting evidence. Including for the first time sections on the ever-changing rules of acceptable legal writing, Garner's new edition keeps even the most seasoned lawyers on their toes and writing briefs that win cases. An invaluable resource for attorneys, law clerks, judges, paralegals, law students and their teachers, The Winning Brief has the qualities that make all of Garner's books so popular: authority, accessibility, and page after page of techniques that work. If you're writing to win a case, this book shouldn't merely be on your shelf—it should be open on your desk.

Modern Legal Drafting

Opinion Writing In Contract Law

A treasure for serious students of the violin, The Science of Violin Playing shows pages contain page after page of instructive and inspiring wisdom. Best read slowly and carefully, Bronstein teaches violin playing as both an art and science, turning his exacting eye and ear to every aspect of the instrument.

Legal Usage in Drafting Corporate Agreements

This book is designed to help train law students in the skills needed for successful transactional lawyering. Through carefully designed text and exercises, the first part of the book helps students understand and strategically use the different types of contract terms, translate deal terms to precise contract language, use forms appropriately, and spot and resolve ambiguity. Students also practice deal design, due diligence, and negotiating contract language. The second part of the book consists of four simulated commercial transactions through which students further develop their transactional lawyering skills by structuring, negotiating, and documenting a deal on behalf of a client of the parties to the transaction. Most of the exercises are based on real cases or the documents used in real transactions, and thus are both realistic and timely. The exercises are also scaffolded - that is, for each skill, the student is presented in order of increasing complexity - to facilitate student learning. Throughout, the authors emphasize the importance of knowing the law applicable to the contract and to each particular term, and how that knowledge should affect how a clause is drafted or a transaction is structured.
Legal Drafting by Design

Haggard's Legal Drafting in a Nutshell provides guidelines for producing documents that serve the client's needs, solve existing problems, and prevent future problems. Authoritative coverage overviews the general drafting process and offers tips on getting started. Provides guidelines for drafting within the law and choosing the proper concept. Also identifies ambiguities, definitions, and drafting ethics.

Hereof, Thereof, and Everywhereof

Legal Writing--getting it Right and Getting it Written

This book gives the practitioner a detailed treatment of the principles and applications of effective legal drafting. New material on drafting strategy, "verbal sexism", and the use of computers for word processing of legal documents is included in the work.

The Elements of Legal Writing

Legal English

Legal Drafting: Litigation Documents, Contracts, Legislation, and Wills is useful (1) as a textbook for a course about drafting any of the types of documents listed in the title and (2) as a reference book. As well as document-specific guidance and exercises, the book contains discussion of the following: Legal issues that are crucial to drafters. Guidance for creating document-organization schemes. Articulation issues (e.g., word choice, precise phrasing, and ambiguity). Grammar, punctuation, and style.

A Dictionary of Modern Legal Usage

A comprehensive guide to writing and drafting from the first stage of preparation to the final edit. Features checklists, worked examples and chapters on using email, and designed to accompany readers from vocational study through to their qualification as solicitors as well as throughout the early years of practice.

Point Made

Modern Legal Drafting provides a comprehensive, authoritative guide to drafting legal documents in effective, plain English. Peter Butt, a leading expert in the field, has fully revised and updated the text for this new edition. It combines a practical focus with the legal principles that underpin the use of plain language in law. This dual practical and academic approach distinguishes it from other books in the field. It includes expanded material on the techniques for achieving a style that is both clear and legally sound. It also includes new material on the challenges and merits of drafting in plain language, and provides many before-and-after examples to help both practising lawyers and students develop their skills. It takes an international approach, drawing upon case law and statutes from England, Australia, New Zealand, the United States, Canada, Ireland, India, Malaysia, Singapore and Hong Kong.

Legal Drafting

An eagerly anticipated second edition of this established and highly regarded text teaches the key practice skill of contract drafting, with emphasis on how to incorporate the business deal into the contract and add value to the client's deal. Features: More exercises throughout the book, incorporating More precedents for use in exercises Exercises designed to teach students how to read and analyze a contract progressively more difficult and sophisticated New, multi-draft exercises involving a variety of business contracts New and refreshed examples, including Examples of well-drafted boilerplate provisions More detailed examples of proper way to use shall Multiple well-drafted contracts with annotations Revised Aircraft Purchase Agreement exercise to focus on key issues, along with precedents on how to draft the action sections and the endgame sections. Expanded explanations of endgame provisions, along with examples and new exercises.

Legal Opinions in Business Transactions

A comprehensive guide to legal style and usage, with practical advice on how to write clear, jargon-free legal prose. Includes style tips as well as definitions.

The Winning Brief: 100 Tips for Persuasive Briefing in Trial and Appellate Courts

This edition includes expanded material on the techniques for achieving a style that is both clear and legally sound. It also includes new material on the challenges and merits of drafting in plain language, and provides many before-and-after examples to help both practising lawyers and students develop key drafting skills. It takes a genuinely international approach, dealing with the principles for clear, effective legal drafting in all countries where English is the language of law. In doing so, it draws on case law and statutes from countries as diverse as England, Australia, New Zealand, the United States, Canada, Ireland, India, Malaysia, Singapore and Hong Kong.

Guidelines for Drafting and Editing Legislation

Although the art of legal writing and drafting has been practised for as long as there have been laws and lawyers, it is only recently that the subject has been recognised as worthy of serious study. Traditional training methods which have been handed down from generation to generation havenot served the profession well. Legal writing is often accused of suffering from lack of clarity owing to its lengthy intricate construction and antiquated forms of expression. People read legal writing not because they want to, but because they have to. Lawyers need to learn to write in good cleanEnglish that their clients understand. This book gives guidance in good practice to those just starting out on a legal career so that bad habits are eliminated from the outset rather than perpetuated.

Transcational Skills

"Professional Writing for Lawyers was originally designed to complement Richard Wydick's Plain English for Lawyers, but also can be used as a stand-alone legal writing text. Readers will learn to approach writing as a process of thinking, outlining, drafting, revising, and editing to produce a final draft. To help the reader understand this process, several examples are rewritten, integrating the principles of plain English that teach the reader to develop a clear, concise, and readable style. This second edition revises citations and legal references, maintaining the easy to read and quick reference value of the first edition."

Basic Legal Drafting

Surveys the conventions of language and structure in drafting corporate agreements.

Thinking Like a Writer

This dynamic paperback text presents a highly effective, classroom-tested process for legal drafting. Prepared with this practical strategy, your students will move beyond merely filling in the blanks to create the customized documents clients need, and adapt preexisting forms to new uses. Divided into two parts, The text first introduces the process approach to legal drafting before applying that approach to particular types of documents. This two-part organization easily adapts to your specific course needs and gives you great flexibility in choosing and combining chapters. The book's seven chapters cover an introduction to legal drafting, The process of legal drafting, careful writing, and drafting estate
planning, contracts, pleadings, and legislation. In addition, numerous examples, illustrations, and exercises in every chapter reinforce the skills your students need to draft provisions from scratch, edit existing provisions, and create entirely new documents. Each substantive chapter concludes with a document, annotated with editorial comments that illustrates the drafting process.

**Ultimate Price**

First published in 1996. Routledge is an imprint of Taylor & Francis, an informa company.

**Legal Drafting: Do it Yourself**

**Legal Drafting by Design**

**Writing for Law Practice**

Mastering Legal Analysis and Drafting seeks to emphasize the fundamental structure and methods of legal drafting, which, the authors contend, is grounded in a surprisingly few but elemental rules and techniques of legal analysis and deployment of legal authorities amid relevant facts. It is designed to help the novice legal drafter identify those elemental rules and techniques and show how they are used to prepare effective legal writing in different formats, most of which share common elements and structures. The book begins with a discussion of legal analysis, followed by a discussion of general drafting principles and rules, and then proceeds to apply these concepts in the following chapters to specific forms of legal writing including: client letters, demand letters, research memoranda, motions and supporting documents, appellate briefs, contracts and instruments, and legislation. It closes with a chapter on “writing to build a record” that reprises the other chapters and highlights the key concepts.

**Mastering Legal Analysis and Drafting**

This update of Howard Damstader’s witty, accessible guide to legal drafting reminds practitioners how best to choose their words, to compose clear and succinct sentences, to lay out their documents, and to decide which documents best serve a given scenario. This book may be unconventional, but it is a vital element of any lawyer’s library.

**A Manual of Style for Contract Drafting**

Pleadings Without Tears has become established as one of the most successful books on practical legal drafting in the context of litigation. This new eighth edition is fully updated to take account of Civil Procedure Rule (CPR) changes since the last edition. The book takes a practical and insightful look at the subject of legal drafting, enabling the reader to become more confident in approaching this often unnecessarily daunting subject. It focuses on core skills and fundamental rules while clearly addressing each stage of the process and goes beyond a straightforward setting out of the precedents and authorities relevant to statements of case. It gives clear examples of how to set out relevant matters with clarity and precision and encourages the reader to give full consideration to concise and clear identification of the subject matter of the action, the issues of the case and the parties’ respective positions in respect to those issues. With a wealth of practical examples and anecdotes - and illustrated throughout with cartoons - the light and entertaining style, combined with detailed analysis and explanation, enables the reader to easily acquire a good understanding of drafting.

**Modern Legal Drafting**

BASIC LEGAL DRAFTING offers down-to-earth instruction on how to draft well-organized and clearly articulated legal documents. A culmination of twenty-five years of teaching in the highly regarded Legal Drafting Program at the University of Florida College of Law, the book is designed to be used as a resource for law students and practicing attorneys, as well as a textbook for drafting classes. The text is particularly strong in its discussions of how to organize a document, often the most difficult task facing a drafter and typically under-addressed in other drafting manuals. Equally useful are the very concrete recommendations on how to articulate the language of a document in order to achieve clarity and precision. The text helpfully distinguishes traditional drafting principles from common conventions and stylistic preferences. The litigation chapter addresses complaints, answers and motions. Useful examples range from a simple negligence complaint to a complex statutory-based multi-count complaint and appropriate responses. The contracts chapter includes an extensive discussion, with examples, on how to create for any contract a logical, coherent framework that underlines the drafter’s (and presumably the client’s) intentions. The chapter addresses in detail the articulation of particular provisions, including definitions, termination and exculpatory provisions. Its comprehensive discussion of how to recognize and avoid various types of ambiguity will prove useful beyond the contract drafting context. The legislation chapter identifies common legislative protocols and applies, within those protocols, many of the organization and articulation principles set out in the contracts chapter. While the text uses litigation documents, contracts and legislation as the bases for its discussions, Basic Legal Drafting offers practical, realistic advice and instructions that will be useful to the drafter of any type of legal document.

**Drafting Contracts**

“A substantially expanded version of Professor Martinou’s Drafting legislation and rules in plain English”—P. v.

**Pleadings Without Tears**

Writing for Law Practice organizes documents into three sections that correspond to the three major modes of written communication in the law—”Litigating,” “Informing and Persuading,” and “Rule-making”—each with its own signature writing skills. The organization of this text is both realistic and helpful to student and teacher. Part One focuses on pleadings and motions, where concept is primary and expression secondary. Part Two covers letters, memos, trial and appellate briefs, and judicial opinions, which require clarity and perseverance as well as creativity. Part Three covers contracts, legislation, and wills, where conceptualization is inextricable from clear and precise expression. Among the advantages of this organization is that it gives the teacher much flexibility in course design. New features of the third edition include new content in Part One reflecting the effect of recent Supreme Court decisions on federal and state pleading practice and the impact of social media on civil litigation; new content in Part Two on e-mail memoranda of law; and new content in Part Three on document design for electronic communication, on drafting federal regulations, and on non-disclosure agreements. In addition, there is a new casefile on child custody rights under international law and exercises and assignments throughout. Finally, the teacher’s manual contains supplementary material on depositions and interrogatories. Writing for Law Practice is intended for both “Advanced Writing” and “Introduction to Drafting” courses. Because “drafting” is a term without a single, universally agreed-upon meaning, “drafting” courses do not all cover the same documents. However, this text treats a broad range of documents and a broad range of skills, and so it is suitable for all of these upper-level writing courses.

**Legal Writing in Plain English, Second Edition**

English is the dominant language of international business relations, and a good working knowledge of the language is essential for today’s legal or business professional. Legal English provides a highly practical approach to the use of English in commercial legal contexts, and covers crucial law terminology and legal concepts. Written with the needs of both students and practitioners in mind, this book is particularly suitable for readers whose first language is not English but need to use English on a regular basis in legal contexts. The book covers both written and oral legal communication in typical legal situations in a straightforward manner. As well as including chapters on grammar and punctuation for legal writing, the book features sections on contract-drafting, language for negotiation, meetings and telephone conversations. This edition contains additional troubleshooting tips for legal writing, guidance on good style, and new sections on writing law essays and applying for legal positions.

**The Fundamentals of Legal Writing**

How much is a human life worth? Individuals, families, companies, and governments routinely place a price on human life. The calculations that underlie these price tags are often
buried in technical language, yet they influence our economy, laws, behaviors, policies, health, and safety. These price tags are often unfair, infused as they are with gender, racial, national, and cultural biases that often result in valuing the lives of the young more than the old, the rich more than the poor, whites more than blacks, Americans more than foreigners, and relatives more than strangers. This is critical since undervalued lives are left less-protected and more exposed to risk. Howard Steven Friedman explains in simple terms how economists and data scientists at corporations, regulatory agencies, and insurance companies develop and use these price tags and points a spotlight at their logical flaws and limitations. He then forcefully argues against the rampant unfairness in the system. Readers will be enlightened, shocked, and, ultimately, empowered to confront the price tags we assign to human lives and understand why such calculations matter.

Writing and Drafting in Legal Practice

Offers practical advice on writing clearly, discusses diction, tone, and grammar, and reviews punctuation, syntax, capitalization, and format

Legal Drafting in a Nutshell

This is a different kind of book about legal writing. It assumes its readers are good writers who have already absorbed most of the usual advice about legal writing. But they may lack the intellectual framework for 'thinking like a writer' with the same incisiveness with which they think like a lawyer. This book provides that framework. It focuses on the underlying principles for communicating complicated information clearly and for establishing your credibility with demanding audiences. As a result, it helps to transform good writers into first-rate ones, and to make them far more efficient and powerful editors of their own writing and of others' drafts. Its unique approach will benefit supervising lawyers who do more editing than writing, as well as lawyers who do their own drafting.

Lawmann's Legal Writing & Drafting

Providing the guidance that law schools and most law firms don't offer, Legal Opinions in Business Transactions is the first practical, tool-filled guide to the step-by-step preparation of third-party closing opinions. Emphasizing how legal opinions reduce the risk of delays, disputes, and lawsuits in business deals, this unique resource shows you how to quickly and easily draft acceptable opinions using guidelines developed through custom and sanctioned by the TriBar Opinion Committee and ABA Business Section Opinion Committee. Packed with dozens of ready-to-insert opinion clauses and sample opinion letters, Legal Opinions in Business Transactions gives you a firm grasp of the: Rights, obligations, and expectations of opinion givers, preparers, and recipients. Customary terms, components, and structure of third-party opinion letters including how the law, documents, and factual assumptions are used. Many types of interrelated opinions that form closing opinions including remedies opinions. Perils of departing from customary opinion practice including the danger of botched transactions and even lawsuits.

The Science of Violin Playing

Legal Writing and Drafting

The focus of this manual is not what provisions to include in a given contract, but instead how to express those provisions in prose that is free of the problems that often afflict contracts.

Legal Writing and Contract Drafting

This new Garner title consolidates into one set of covers all the best advice on legislative drafting. Garner elucidates his blackletter principles with statutory rewrites from all 50 states as well as from federal statutes. He demonstrates how legislation can be streamlined, simplified, and clarified. The examples show stunning improvements. Commissioned by the Uniform Law Commission, Garner's work here represents another in his string of first-rate reference books. No legislative drafter should be without it. In the back of the book are two model statutes plus a typically poor statute annotated to explain its deficiencies. Also included is a groundbreaking essay on the optimal method for expressing criminal prohibitions. Throughout the book appear shaded boxes containing timeless quotations from leading commentators on legislative drafting from the 18th century to the present day. Together the the book's extensive bibliography, these quotations place Garner's principles into a historical context. They also underscore the degree to which legislative drafters have neglected many long-standing principles of legal drafting. The foreword by Harriet Lansing, president of the Uniform Law Commission, says of Garner's work: "With these Guidelines—with his earlier booklet on court rules—Bryan Garner has made an incomparable contribution to clarity and coherence in the halls of our legislatures, the pages of our statute books, and the everyday world of all people as we try to plan our lives and predict legal consequences."

Legal Drafting

In Point Made, Ross Guberman uses the work of great advocates as the basis of a valuable, step-by-step brief-writing and motion-writing strategy for practitioners. The author takes an empirical approach, drawing heavily on the writings of the nation's 50 most influential lawyers.