

Form Elevating Substance: The Appearance and Style of Good Legal Writing
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Legal Style Checklist

- 1. Rid Your Writing of Every Trace of Legalese that You Can**
- 2. Absent a Persuasive Purpose to Do Otherwise, Use the Active Voice**
- 3. Word Choice**
 - a. Unless it impedes your persuasive strategy, use interesting words to keep the reader's attention.
 - b. Unless you are using the repetition for a persuasive purpose, avoid using the same word in close proximity.
- 4. When It Comes to Quotations, Less is More**
 - a. Keep your quotations as trim as possible and use block quotations (which most readers skip) only as a last resort.
 - b. When brackets and ellipses proliferate, paraphrase instead of quoting.
- 5. Use Em-Dashes (—) to Focus the Reader's Attention¹**
 - a. Use to break up parts of a sentence when a comma is too weak, but a colon, semicolon, or parentheses is too strong.
 - b. This is a way to focus the reader's attention to key a point.
 - c. Example: "The em dash puts a nice pause in the text—and it is underused in legal writing."
- 6. Use Bullet Points and Numbered Lists When Presenting Several Ideas that Fit Under One Category**
- 7. Use Roadmap Paragraphs to Provide a Knowledge Base for the Reader and Enhance Persuasion**
- 8. Brevity**
 - a. Don't use more words than you need.
 - i. Replace: At the present time; With: Now
 - ii. Replace: Due to the fact that; With: Because
 - b. Eliminate common ways of beginning sentences in legal writing that are the verbal equivalent of throat-clearing.
 - i. Example: It is also of importance to bear in mind the following considerations
 - ii. Example: It should not be forgotten that
 - c. Remove Space-Filling Phrases
 - i. Example: . . . the fact that . . .
 - ii. Example: . . . in terms of . . .
 - d. Many wordy constructions can be avoided by using the present tense singular
 - i. Replace: is required to; With: must
 - ii. Replace: is binding upon; With: binds
 - e. Omit Vague Words—Instead Be Specific and Concrete. As a general rule, more specific words lead to more concise writing.

¹ This portion of the handout is credited to Matthew Butterick's *Practical Typography: Hyphens and Dashes*, available at: <https://practicaltypography.com/hyphens-and-dashes.html>.

- i. Replace: The legal writing professor talked about several of the merits of typography as a means of persuasion. (17 words)
 - ii. With: The legal writing professor touted typography as a persuasion tactic. (10 words).
- f. Avoid Zombie Nouns (this is a very common issue)
 - i. Don't use phrases concerning long nouns—especially nouns ending in -ion—to convey the same information as a simple verb.
 - ii. Replace: submit an application; With: apply
 - iii. Replace: file a motion; With: move
 - iv. Replace: make a decision; With: decide.
- g. Paragraphs
 - i. Make the paragraph the unit of composition: One paragraph to each topic.
 - ii. As a general rule, avoid long paragraphs. But, to retain reader interest, vary paragraph length.
- h. More Often than Not Write in Short, Concise Sentences

Rules for Legible Document Design (Unless Barred by Court Rules)²

1. Cueing

- a. In general, use boldface.
- b. You can use underlining and italics minimally.
- c. Avoid all caps.

2. Headings

- a. Include them because they aid reader retention and, in turn, persuasion.
- b. Because readers will better recall the headings than the details, the headings should be persuasive and contain the conclusion you want the reader to reach.
- c. Use sans serif and in a dark/heavy weight such as Arial or Arial Black.

3. Body of Document

- a. Font: contrast the font with that used in the headings. Serif fonts are the norm for large blocks of text. Use a proportionally spaced font such as Times New Roman or Garamond. Don't use monospaced fonts such as Courier.
- b. Use Left Justification.
- c. Margins: Employ slightly wider than one-inch margins on the left and right sides. The best line length for the font size commonly used is slightly less than 6 inches. To achieve this, slightly increase your left and right margins beyond the one-inch standard.

4. Use Curly Quotes Instead of Straight Quotes

- a. Straight quotes: the straight single quote (') and the straight double quote (")
- b. There are four curly quote characters: the opening single quote (‘), the closing single quote (’), the opening double quote (‘‘), and the closing double quote (’’).
- c. Curly quotes are the quotation marks used in good typography because they are more legible on the page and match the other characters better.

² This portion of the handout draws from two sources. See Matthew Butterick, Practical Typography (2d ed. 2013); Ruth Anne Robbins, Painting With Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents, 2 JALWD 108 (2004).