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 Attention
   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.

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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.

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

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.

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