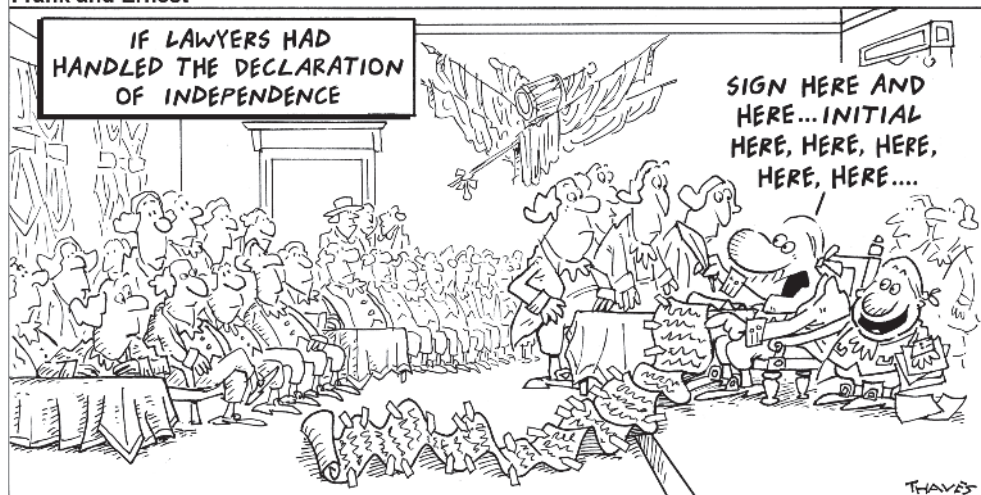


Preface

Legal writing is a skill that can be mastered. By learning the basics of concise and effective legal writing, and appreciating the intangibles of style, the paralegal can develop an ability to render arguments in forceful and lucid prose. The paralegal can aid clients through the clear and unambiguous presentation of their positions, writing with an attribute that even many attorneys lack—*confidence*.

Frank and Ernest



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The philosophy of the second edition of *Basic Legal Writing for Paralegals* has not changed. This book is designed specifically for the paralegal and the tasks performed by the paralegal. It is a comprehensive and accessible approach to basic legal writing. We have attempted to provide a foundation on which to build basic skills in legal writing. The range of communications covered in these pages is wide—from the complexity of an appellate brief to the simplicity of a cover letter. Regardless of the level of complexity, however, effective communication is always important and, for the unwary, often elusive. It has been the goal of this volume to provide the paralegal with the practical tools and, most important, the sense of clarity so necessary to the expression of ideas.

The second edition has a number of new features that enhance the book's approach. Each chapter has case studies entitled "You Be the Judge," which illustrate legal writing issues that have been addressed by the courts. The cases often show the "real-life" problems that arise in the practice of law, such as attorneys ignoring page constraints for briefs, or the effects of missed filing deadlines. The illustrations were chosen to show paralegals the importance of not only reading the rules, but following them. Many of the cases also provide insight into the ethical issues that arise for both attorneys and paralegals. Ethical issues are highlighted in the "Ethics Alert" section in each chapter. Students should pay close attention to this section as it discusses the constraints imposed on their practice. Coupled with the addition of the Ethics Alert is a section entitled "The E-Factor." With all the new developments in the world of technology since the first edition, this section introduces paralegals to the new challenges they will face with e-filings, cellular telephones, and the Internet, to name a few. Each chapter's "E-Factor" section relates a technology issue to the paralegal's areas of practice.

Every chapter has been expanded and new material added. Most chapters contain extensive checklists to guide paralegals in their writing assignments. All chapters have been updated to include the most recent changes in the field, such as the *ALWD Manual* and court procedures.

New exercises are included at the end of each chapter with one comprehensive assignment in the “Portfolio Assignment.”

Two new chapters have been added to the second edition of this book. The chapter on Legal Research has been expanded into two, providing more examples and more in-depth treatment of computer-assisted legal research. This addition is a comprehensive review of legal research prior to beginning the study of legal writing.

The second new chapter added is “Citations in Legal Writing” (Chapter 7). Using citations in legal writing, where to place them in a legal document, and how to use punctuation in cited material are some of the topics discussed in this chapter. Examples of incorporating citations into legal writing are presented throughout the chapter, assisting the paralegal in understanding the mechanics of citing legal authority. When and how to use ellipses and brackets are addressed as well as block quotes and quotations in general. This new chapter is a valuable addition to the second edition of this book. Since the goal of this book is to be practical in approach, practice tips are identified throughout each chapter, adding to the book’s usefulness in real-life practice. The practice tips offer many do’s and don’ts in the practice of law as well as helpful hints and reminders for the paralegal. In addition to the practice tips, the second edition provides highlighted definitions of new and common words used in the legal profession. These definitions supplement the text of each chapter, introducing the paralegal to the many new words used in the legal profession.

As noted throughout this book, different jurisdictions have specific procedural rules to follow when submitting legal documents. Those rules should always be consulted and should be used to accompany the general writing techniques presented in this book.

ORGANIZATION OF THE TEXT

The text is composed of thirteen chapters and begins where the paralegal with a writing assignment normally begins—with legal research. The remaining eleven chapters focus on the practical aspects of legal writing. The student learns that decisions written by judges are not always models to be emulated; that the centuries-old traditions of the law are both a valued bond and a constraining hindrance to clear writing; that there are audiences to be identified, purposes to be defined, language to be chosen, arguments to be made; that there is a time for the adversarial and a time for the objective; that there are many different types of legal documents, from letters to memoranda to pleadings to briefs; and that legal writing is both fraught with pitfalls and brimming with possibilities.

TEXT DESIGN

The chapter design in the second edition is dramatically different from that of the first edition. Each chapter now begins with chapter objectives, followed by a Case Fact Pattern that was created to illustrate the application of legal writing concepts to the practice of law. Any reference to names and places existing in either the past or present is purely coincidental. The list of objectives is a guide to the chapter and provides a focus for understanding the concepts presented in that chapter. The chapters build on one another; therefore, it is important to master the tasks and objectives in each chapter.

Although each chapter discusses the substantive points of legal writing, the second edition provides special features as mentioned above, including “Practice Tips,” “You Be the Judge,” “Ethics Alert,” and “The E-Factor.” These sections combine practice, technology, and ethical issues that paralegals will face as they begin practice in real life. A unique section from the first edition remains at the end of each chapter, titled “Practical Considerations.” Here helpful pointers and checklists are offered from the paralegal’s perspective rather than the attorney’s. The “Practical Considerations” section offers insights and suggests pitfalls that will guide the student when confronted with a legal writing assignment.

For convenience and review, each chapter concludes with section summaries and exercises. These summaries and review activities provide an overview of the general points discussed in the chapter and act as a study guide and quick reference. The exercises have been updated and include term mazes to reinforce the new vocabulary identified in the chapter. At the end

of each chapter exercise is a comprehensive practical exercise called “Portfolio Assignment.” This exercise is designed to use the skills mastered in the chapter and convert them into a practical legal document that paralegals can use as samples of their work as they begin the interview process.

The approach and the design of this text are user-friendly. Key terms are boldfaced and defined in the margins at first use, with a list of these terms appearing at the end of each chapter. Students are encouraged to write in these books, to complete the activities, and to keep this text at home or in the office as a handy reference guide. Also included in the book, promoting its user-friendly approach, are comic strips from many of our favorite illustrators from the daily newspapers. The comic strips provide a backdrop for many of the legal writing concepts discussed in the chapter, including many of the ethical issues that arise in everyday practice.

This book will engage the students and teach them about the world of legal writing in a practical, accessible manner. Hopefully, while the students are learning the concepts, they will have some fun in the process.