

THE LEGAL WRITING HANDBOOK

ANALYSIS,
RESEARCH, AND
WRITING

Second Edition



Laurel Currie Oates
Anne Enquist
Kelly Kunsch



Aspen Law & Business

Includes Resource Material in Legal Research, Style, and Grammar

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The Legal Writing Handbook

Research, Analysis, and Writing

Second Edition

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Preface

Legal writing is both simple and complex. On the one hand, it is simply a matter of organizing information into well-established formats and following well-established patterns of analysis. It is being methodical about research and correct about citation, grammar, and punctuation when the document is written. That much is a big job, but a fairly simple job.

On the other hand, legal writing is complex. Part of the complexity is keeping all those simple tasks organized. Beyond that, however, legal writing is complex because it requires creativity, insight, and judgment.

Within the parameters of accepted formats and types of argumentation, for example, legal writers must create an organization where one did not previously exist and create arguments that, at least in some cases, have not been made before.

But that is not all. In addition, legal writers must have the insight and ability to cut to the heart of a matter. They must be able to see what is really at stake in a case; they must be able to look at the big picture and know where to focus their and their reader's attention.

And that is still not all. At all times, legal writers must exercise judgment: They must know what matters most and what matters least, what is effective, what is persuasive, what is extraneous, and what is just plain irrelevant.

This book, then, is about both the simple skills of legal writing and the complex art of legal writing. For the law student or the practicing lawyer, it brings together the three major components of legal writing—research, writing, and analysis—and discusses each from the most basic level to the more advanced, sophisticated levels.

Part I of the *Handbook* provides background information about the United States legal system and introduces legal analysis and argumentation. Part II uses a step-by-step approach to take the reader through the process of writing an objective office memorandum, an opinion letter, and a trial and an appellate brief. Throughout the process, it shows the integration of research, writing, and analysis.

Most important, all of this is done in context. That is, the points about research, analysis, and writing are presented within the structure

of realistic cases. Further, each point is illustrated and reinforced by numerous examples from memoranda and briefs.

Parts III, IV, and V are all resource materials. Part III provides more in-depth information about research and citation; Parts IV and V provide more in-depth information about writing. Parts III, IV, and V also include references to *The Practice Book for the Legal Writing Handbook*.

In short, *The Legal Writing Handbook* is three books in one: It is a complete book about research, a complete book about analysis, and a complete book about writing. Thus, just about everything a law student needs to know about legal writing is here, in one book.

Laurel Currie Oates
Anne Enquist
Kelly Kunsch

January 1998

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