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■ Hope Viner Samborn ■ Andrea B. Yelin

BASIC LEGAL WRITING FOR PARALEGALS

THIRD EDITION



Wolters Kluwer
Law & Business

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HOPE VINER SAMBORN

ANDREA B. YELIN



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FOR EVE, SARAH, BENJAMIN, AND
RANDY WITH ALL OF MY LOVE.
—HVS

FOR MY DAD, SEYMOUR BANCHIK,
WHO IS ONE IN A BILLION.
—ANDREA B. YELIN

PREFACE

The Role of the Paralegal in Legal Writing

Legal writing is one of the tasks paralegals must learn to perform efficiently and cost effectively for law firms and their clients. But to do so, paralegals must understand the legal system and legal writing techniques. Objective memos must be drafted to inform the attorney of all the relevant law, both for and against the client's position, so that the attorney can best handle the matter. Paralegals also brief cases to expedite the research process, as well as write persuasive documents and draft complaints and answers in litigation matters. Delegating the task of writing an objective memo to the paralegal is cost effective for the attorney and saves the client money.

The Purpose and Structure of This Text

Basic Legal Writing for Paralegals guides the student and the practicing paralegal through the writing process in a step-by-step manner using the objective memo as a teaching tool. The text also introduces persuasive writing and instruments and documents drafted by legal assistants. In addition, the book contains information about grammar and organization and serves as a reference manual for any legal assistant who has to produce a written document.

Objective writing is explored in great detail. Mastering objective writing requires developing the ability to articulate legal concepts and to draft documents in a manner reflecting legal analysis. Learning to perform legal analysis and to organize a legal discussion is the basis of objective writing. Much time must be spent to refine and to master

these skills. Only after a foundation has been built on objective writing skills can other forms of legal writing be learned.

The book begins with an overview of the legal system and then discusses case briefing. Understanding how our legal system operates and knowing how to read, brief, and analyze legal opinions are prerequisites to effective legal writing. You are guided through the concept of the objective memo and its purpose. The next chapter discusses the question presented and the conclusion or brief answer. The facts and drafting the statement of the facts are explored in a separate chapter where you will learn to identify legally significant facts. The IRAC method is then introduced. IRAC, an acronym for Issue, Rule, Application, and Conclusion, is the format for the discussion portion of the memo. Building on the skills that you have acquired, you are then introduced to the task of synthesizing cases and authorities. Synthesis requires you to distill the general legal concept and then to create a statement of the law using more than one case or statute. These chapters are very detailed because you are also being taught legal reasoning and legal analysis. After you master these skills, other forms of legal writing are easier to master. The rest of the text discusses writing documents, persuasive writing, and letter writing, as well as citation.

Basic Legal Writing for Paralegals is designed to be both a handbook and a textbook, and therefore helps you develop your writing skills now and in the future. You will learn to convey the results of your research in written documents, and to articulate legal concepts to convey information, to answer a question, or to craft a persuasive argument. These skills require attention to detail, keen analysis, and precision with language. Legal writing skills are developed through practice; often the best writing is done in revision.

You should view this book as a launching point in developing your legal writing skills. Refer to the guidelines and concepts in this book throughout your career as you hone your writing skills.

Hope Viner Samborn
Andrea B. Yelin

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