

ASPEN COURSEBOOK SERIES

*The*  
HANDBOOK  
*for the*  
NEW LEGAL  
WRITER



JILL BARTON  
RACHEL H. SMITH



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ASPEN COURSEBOOK SERIES

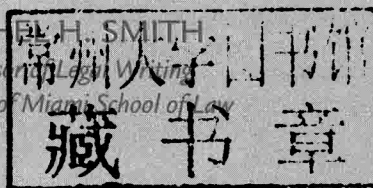
*The*  
**Handbook**  
*for the*  
**New Legal Writer**

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*To our anchors:  
Rudy, Dan, and Eric*

## Preface

Welcome to *The Handbook for the New Legal Writer*—a new kind of legal writing textbook that is grounded in the realities of modern law practice.

The *Handbook* provides step-by-step instruction on how to write effective legal documents. We begin with objective writing in the form of office memos. Later, we move to persuasive writing through trial motions and appellate briefs. Then, we cover other forms of legal communication, including correspondence via letter, email, and instant message. We also describe how to draft judicial opinions and prepare for oral argument.

At every step, the *Handbook* uses annotated examples of realistic legal documents prepared by the authors, skilled practitioners, and judges to show—rather than tell—students how to be successful legal writers. Because it is designed to be the only textbook students need to excel in their first-year legal writing programs, the *Handbook* also includes chapters on legal research, *Bluebook* citation, and writing tools, including grammar, punctuation, plain language, and style.

The *Handbook* uses the term “anchors” throughout the text to show students how to analyze legal questions. If the best answer in law school is, “It depends,” then we finish the answer by stating, “It depends on the anchors.” Anchors are the facts, rules, and reasons that the answer to a legal question depends upon. We coined this term as a tool to help students understand how to read and synthesize legal authorities and how to analyze a client’s legal problem.

We hope that by offering clear direction and pertinent examples, the *Handbook* will be an accessible, trustworthy, and valuable guide for the new legal writer.

Anchors aweigh!

Jill and Rachel  
March 2014

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We owe a great debt to our colleagues in the national legal writing community; their encouragement and enthusiasm continue to inspire us. We are especially privileged to have learned from Judy Popper, Rosi Schrier, Wanda Temm, and Barbara Wilson.

We also want to express our admiration and appreciation for the legal writers whose excellent work provided examples for this book: U.S. Supreme Court Chief Justice John G. Roberts and Associate Justices Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy, Clarence Thomas, Ruth Bader Ginsburg, Samuel Alito, and Elena Kagan; U.S. Circuit Court of Appeals Chief Judge Alex Kozinski, U.S. District Judge Steven D. Merryday, Judge Kevin G. Ross of the Minnesota Court of Appeals, and Judge Vance E. Salter of the Florida Third District Court of Appeal; and attorneys Howard K. Blumberg, Conal Doyle, Gregory G. Garre, Brian Koukoutchos, Kenneth W. Starr, Kathleen Sullivan, and Laurence Tribe. We know their words will continue to inspire our students, as they have inspired us.

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part I

**Reading and  
Writing  
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