



## Legal Writing

Deepika S, Murugan

BBA LLB, Saveetha School of Law, Saveetha University, Tamil Nadu, India

### Abstract

More has been aforesaid regarding the writing of lawyers and judges than of the other cluster, except in fact, poets and novelists. The distinction is that whereas the latter have typically been loved for his or her writing, the general public has nearly always damned lawyers and judges for theirs. If this state of affairs has modified in recent times, it's solely therein several lawyers and judges have currently joined the remainder of the planet in complaintive regarding the standard of legal prose.

**Keywords:** lawyers, judges, legal writing

### Introduction

Several law colleges area unit currently adding programs in legal writing, or area unit reforming and increasing existing programs. Even the community has responded with entails higher legal writing, with associate increasing range of seminars and CLE forums on up legal writing, and with legislative efforts at language reform, as well as plain English statutes. Some giant law corporations have even employed regular writing specialists.

This growing attention to the standard of legal prose is praiseworthy. however additional basic inquiry into legal writing and its associated activities, analysis and analysis, is required further. Before we will supply additional comprehensive attention to legal writing, we must always understand additional regarding what the characteristics of legal writing area unit, however 'it is written, and the way it's used. This journal entails the inquiry to start and offers one forum for publication the results. I ought to add that inquiry into legal writing shouldn't be conducted entirely in response to perceived desires for reform. Legal prose itself, in its history, in its complexity; and in its individuation, deserves additional careful attention than it's received. What follows area unit many of the initial queries, then, for this investigation and analysis.

### Objectives

1. To explain what is legal writing
2. To explain how legal writing is read and written

### Chapter 1.1. What is legal writing

Perhaps the primary question to raise is, what can we mean by legal language is usually treated as a special reasonably discourse by philosophers and linguists. As any common man would tell you, lawyers and judges do appear to write down in their own specialised language. To the extent, then, that legal discourse is specialised, we want to understand however its options would possibly build uncommon demands on the writing done among it.

Another vital inquiry is into what's referred to as legal reason-

ing. even as legal discourse has specialised options, is legal reason- ing conjointly a specialised type of argumentation, and, if so, however will it disagree from different types of analysis and argumentation? additionally to needing a comprehensive model for legal reasoning, legal writing academics conjointly got to knowledge students learn, or acquire, legal reasoning. What relationship\_ exists between mastering legal rea-soning and learning to write down for legal settings? Attention to such queries is efficacious as a result of, given the character of legal discourse, the structure of legal reasoning is central to different problems in legal writing. what is more, these inquiries will have the benefit of recent, a lot of general work on writing and thinking: from the eye being paid to important thinking, to analysis in psychology, to problem-solving models for thinking and writing, to studies within the social nature of thinking and writing

### Chapter 1.2 How legal writing is read and written

Much of the prevailing literature concerning legal writing focuses on the written communication, providing fairly prescriptive recommendation concerning organiza-tion and elegance. little of this recommendation, however, is predicated on re- search into the ways in which during which legal documents are literally written or browse. Rather, it for the most part depends upon time-honored, general maxims for writing, translated into the language of legal writing (e.g., "avoid the passive" becomes "the passive voice is a smaller amount persuasive in short writing"). during this respect, analysis into legal writing lags so much behind analysis into several different areas of writing.

This lack is very distressing given the common and infrequently inescapable complexness of legal prose. we'd like to understand what a decide responds to stylistically in a very temporary, or a shopper in reading associate opinion letter, a will, or a contract. analysis is additionally required into the composing processes of each law students and legal profession- als. What variations exist between the composing habits of novice writers, say freshman law students, and-those

of additional knowledgeable legal writers-third-year students, as an example, WHO or additional liberal into legal discourse, or active professionals? Do bound writing habits transfer into legal writing categories from previous writing experiences, whether or not in faculty or at a job? equally, do legal writers vary their writing practices in keeping with the writing task-does associate professional build a similar styles of composing selections once drafting a can as once writing a pleading?

These queries are value asking as a result of the answers can give direction and purpose to the teaching of legal writing. we'd like to know higher the styles of selections that legal writers build, in a very style of things, also as however readers respond to the assorted styles of legal documents, before we will provide instruction that will over do the accepted, however usually unexamined, platitudes.

### **What broader issues exist for legal writing?**

The last decade saw variety of state legislatures pass plain English laws for shopper documents, a movement that has returned to the eye of the profession. Many yank and Canadian institutes actively promote plain English, and therefore the use of plain English is commonly advocated in graduate school writing courses. Conversely, others have questioned whether or not plain English may be meaningfully outlined, or have criticized the utility of the so-known as readability formulas accustomed manufacture plain English. The issue of plain English-how to outline it and the way it may be used-calls for additional discussion, then. At a similar time, plain English ought to be examined as Associate in Nursing outgrowth of broader historical efforts at the reform of legal language, going back a minimum of to the nineteenth century. One question that each proponents and opponents of the present plain English movement would possibly contemplate is that the achievements and failings of earlier reform movements and what may be learned from them.

Another space of inquiry involves examining the contexts at intervals that legal writing is completed. the numerous settings for legal writing supply a superb chance for learning the ways that in, that it's formed by social, political, and officialdom influences. one among the foremost common settings for legal writing is that the business firm, wherever the writing of recent associates is commonly scrutinized by the partners; in several corporations, perceived deficiencies in writing skills square measure grounds for dismissal. At a similar time, several corporations operate a mentor or apprentice program, within which the partners can review and guide the associates in their writing. What square measure the variations between the writing of those "mentors" and of their "pupils"? however will this mentor system alter the character of writing at intervals the community, and in what ways that will it bear on sure practices-for example, fashionable and use of language? Since this mentorship conjointly applies to law students, WHO usually square measure given writing recommendation throughout clerkships and internships, one would possibly well raise however this method compares with the legal writing instruction that those students receive at the same time in school of law.

### **Conclusion**

I hope, encourage a unbroken speech communication

concerning legal writing and demonstrate the plurality of approaches potential. The work for the article relies on a kind of research referred to as protocol analysis. The third article during this issue, "The academician and also the Professionals," by Saint George D. Gopen, demonstrates the quality of key principles for teaching writing to lawyers and judges. The first, "Legal Writing: A listing," by Saint George D. Gopen and Kary D. Smout, presents a listing of books and articles revealed on legal writing up to Summer 1991. The second, "Legal Writing within the ordinal Century," by Jill J. Ramsfield, offers the results of a survey of legal writing programs taken in 1990. It shows wherever the sphere is currently and hints at the work to be done.

### **References**

1. [www.researchgate.net](http://www.researchgate.net)
2. [www.sconline.com](http://www.sconline.com)
3. [www.law.cornell.edu](http://www.law.cornell.edu)