

Untangled: Tips to Eliminate Knots in Legal Writing



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We Are What We Write

We communicate our skill, respect for parties and values through writing:

Canon 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Canon 2.3 (B): A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment

Canon 2.5 (A): A judge shall perform judicial and administrative duties competently and diligently.

These ethical duties oblige us to:
care about the quality of legal writing, insist upon the appropriate tone
and build public confidence in court processes with our written work.



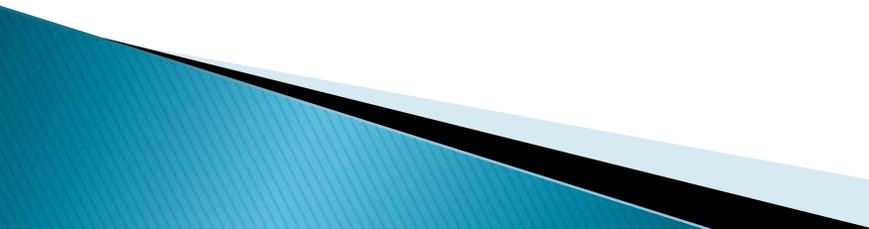
1. Punctuation
2. Quotations and citations
3. Recommended books for writers

Semicolons

Use a semicolon to join two **closely related** independent clauses without a conjunction.

Example: Officer Thompson administered the breathalyzer test; the results showed that the defendant's blood alcohol level was over the legal limit.

Example: I am not suggesting you are unethical; I am suggesting you are inconsiderate.



Chief Justice John Roberts – inspiration from his lawyer days



What is “best”? *Alaska v. EPA*

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The em-dash

Commas, parentheses, and em-dashes all set off material that interrupts a sentence.

Commas are neutral. Parentheses tend to play down material.

Em-dashes tend to emphasize the material.



For example, one State—experiencing little economic growth in the pertinent area and concerned about the impact of increased costs on a critically important employer—may select as BACT for that employer a less stringent and less costly technology that results in emissions consuming nearly all of (but not more than) the available increment for growth. Another State—experiencing vigorous economic growth and faced with many competing permit applications—may select as BACT for those applications a more stringent and more costly technology that limits the impact of any particular new source on the increment available for development. A third State—in which ecotourism rather than more industrial development is the priority—may select as BACT an even more stringent and more costly technology, effectively blocking any industrial expansion.

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Powerful last sentence

When it came to BACT, however, Congress had a different idea, and left that determination—**“on a case-by-case basis”**—to the States.

The art of quoting in legal writing

- The proper function of quotations
- The frequency and length of quotations
- Punctuating and altering quotations
- An effective method of quoting

Effective citations in legal writing

- The Bluebook
 - “Cleaned-Up” quotations and citations
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