

WRITING ABOUT LEGAL WRITING

As we mark the thirtieth anniversary of the Legal Writing Institute Board's decision to create and support a peer edited journal, we are reflecting on the Journal and celebrating the discipline of legal writing. This series of essays revisits the questions originally posted by the founding Editor in Chief J. Christopher Rideout in the first printed Volume of the Journal.* The four questions are reproduced below.

I. What Is Legal Writing?

- *If legal language is a special kind of discourse, how do its features make unusual demands on the writing done within it? For example, of what consequence for legal writing are the well-established formulas for statutory language and interpretation, or the formulaic nature of many pleadings?*
- *Just as legal discourse has specialized features, is legal reasoning also a specialized form of argumentation, and, if so, how does it differ from other forms of analysis and argumentation?*
- *Legal writing teachers also need to know how students learn, or acquire, legal reasoning. What relationship exists between mastering legal reasoning and learning to write for legal settings?*

II. How Is Legal Writing Read and Written?

- *How are legal documents actually written or read? We need to know what a judge responds to stylistically in a brief, or a client in reading an opinion letter, a will, or a contract. Research is also needed into the composing processes of both law students and legal professionals.*
- *What differences exist between the composing habits of novice writers, say first-year law students, and those of more expert legal writers-third-year students, for example, who are more socialized into legal discourse, or practicing professionals?*
- *Do certain writing habits transfer into legal writing classes from previous writing experiences, whether in college or at a job?*

* J. Christopher Rideout, *Research and Writing about Legal Writing: A Foreword from the Editor*, 1 LEG. WRITING V (1991).

- *Similarly, do legal writers vary their writing practices according to the writing task—does an attorney make the same kinds of composing choices when drafting a will as when writing a pleading?*

III. What Broader Issues Exist for Legal Writing?

- *How do we define tenure and how it can be used?*
- *How is legal writing shaped by social, political, and bureaucratic influences of the settings in which it is done? What are the differences between the writing of law firm "mentors" and of their "pupils"? How does this mentor system alter the character of writing within the legal profession, and in what ways does it perpetuate certain practices— for example, in style and use of language?*

IV. How Should Legal Writing Be Taught?

- *What differences exist among the respective writing proficiencies of individual law students and how transferable are their existing writing skills to the kinds of writing they will be doing in law?*
- *How should we design legal writing curricula? To what extent can "generic" legal writing skills be taught, under the guise, for example, of the office memorandum? On the other hand, what is the place of more specialized courses, for example, in appellate writing or in drafting?*
- *How is remediation best offered: through special courses and workshops, through individual consulting and writing centers, or through writing programs conducted the summer before students enter law school?*
- *Is legal reasoning in any way separable from legal writing? Should legal writing courses also focus on what might be called critical thinking or problem-solving skills, as is increasingly being done in undergraduate curricula? Or should legal writing courses be taught in conjunction with, or as adjuncts to, targeted first-year courses in doctrinal areas?*
- *The value of undergraduate courses in writing deserves further investigation. To what extent are their goals the same and different?*