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Legal writing in plain English: a guide for students and young lawyers

Clear writing wins cases and clients. Simple rules for plain-English legal drafting, with examples of what to cut and what to keep.

Judges, clients and senior partners share one complaint about legal writing: it is too long and too hard to follow. A lawyer who writes plainly stands out at once.

Why plain writing matters

- A judge with a heavy list reads quickly. A clear note is more likely to persuade.
- A client pays for an answer, not a display of learning.
- Ambiguity in a contract becomes a dispute.
- Plain language shows that the writer has understood the problem.

Ten rules

1. Know your point before you write. If you cannot state it in two sentences, you are not ready.

2. Put the conclusion first. Begin an opinion with the answer. Begin a submission with what you ask for.

3. Use short sentences. One idea in each. Aim for an average under twenty words.

4. Prefer ordinary words. "Before", not "prior to". "About", not "with regard to". "Use", not "utilise".

5. Cut legal padding. "Hereinafter", "aforesaid", "the said", "it is most respectfully submitted that" rarely add meaning.

6. Use the active voice. "The seller delivered the goods", not "the goods were delivered by the seller".

7. Be exact. Dates, amounts, names and clause numbers must be right.

8. Use headings and numbered paragraphs. They let the reader find things.

9. Cite accurately and sparingly. One leading authority is better than ten weak ones. Read what you cite.

10. Edit. Leave the draft, return, and cut a fifth.

An example

Before: "It is humbly submitted that the Respondent herein has, in a most wilful and deliberate manner, failed and neglected to make payment of the aforesaid outstanding dues to the Petitioner despite repeated requests and reminders in this regard."

After: "The Respondent has not paid the amount due despite three written reminders."

Structure for common documents

Opinion. Question, short answer, facts, analysis, risks, recommendation.

Written submissions. Relief sought, issues, facts with references, argument on each issue, conclusion.

Contract clause. Who must do what, by when, and what follows if they do not.

E-mail to a client. Purpose in the first line, the action needed, then the detail.

Respect and tradition

Courtesy to the court does not require ornate language. A respectful tone and plain words go together.

Writing in Indian languages

The same rules apply. Good drafting in Hindi, Marathi, Tamil or any other language is clear, direct and exact.

How to improve

Read well-written judgments. Ask a senior to mark up your drafts. Rewrite one paragraph each day. Do not let a tool write for you until you can write well yourself.

Clear writing reflects clear thinking, and it is the most useful skill a young lawyer can build.

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