

Introduction

- Legal writing is a type of technical writing used by legislators, lawyers, judges, and others in law to express legal analysis and legal rights and duties
- Its distinguishing features include
 - Reliance on formality
 - Citation to authority
 - Specialized vocabulary or jargon and
 - Over formality

Distinguishing features of legal writing

- Authority
 - Assertions and statements in any form of legal writing must be back up by proper reference to authority
 - The authority may pertain to rules, custom ,precedent or contract
- Citation
 - The way authorities cited might differ
 - It serves to provide the experienced reader with enough information to evaluate and retrieve the cited authorities
 - It ensures that the writer has not misappropriated the work of another author
 - Sources of facts or ideas taken from the work of another should be shown through proper ways of citation
 - The rule of citation includes books, articles or cases or judicial reports and online and disk-based law collections

Cont'd

- Vocabulary
 - Specialized words and phrases unique to law
 - Ex:novation
 - Everyday words that when used in law have different meanings from the everyday usage, such as action (a lawsuit, not movement),
 - Archaic vocabulary: legal writing employs a fairly large number of outdated words and phrases that were formerly part of everyday language but are today rare except in law
 - Ex : herein, hereto, hereby
 - Loan words and phrases from other languages
 - Ex: Estoppel (French), certiorari (Latin)

Cont'd

- Formality
 - The three preceding features bring to legal writing a high level of formality
 - The use and re-use of form documents without updating their language
 - In recent years, there has been a movement away from classical legal writing, towards a more reader friendly and concise method of conveying ideas