



Legal Drafting

First semester 2018

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Welcome to Legal Drafting. My name is Professor Lamb and it is my pleasure to teach you this semester.

The aim of this course is to:

- Invite you to reflect on the values underlying clear legal communication, and to the 'plain English' revolution in many English-speaking jurisdictions;
- Introduce you to some features of elegant legal drafting in English;
- Identify techniques of structure and organisation that will assist your research and written advocacy as young legal practitioners;
- To consolidate these skills by practicing concise, clear communication and effective structure via three written assessments.

All learning materials will be provided to you by email and/or Moodle

Course Structure and Timetable

Part I – Introduction and elements of good legal drafting

Week 1 – Introduction to the course

Week 2 – The ‘plain English’ revolution – and the values it reflects; introduction to the first assignment.

Week 3 – Effective presentation of research (in summary form) (and introduction to the second assignment)

Week 4 – The elements of style

Week 5 – In-class assessment (first assignment given out. It is due on 12.00 p.m.

Sources/materials for this segment:

James Raymond, ‘Why Can’t Lawyers Write Like Katherine Mansfield?’
Strunk and White, ‘The Elements of Style’
Handouts regarding difficult word choice and transitions

Part II – Effective Written Advocacy

Week 6 – Elements of structure (advocacy)

Week 7 – Point-first advocacy

Week 8 (8 November 2017) – Persuasiveness in drafting

Week 9 (15 November 2017) – Conclusion of segment and introduction to third assignment

Sources/materials for this segment:

Justice K.N. Hayne, ‘Written Advocacy’
Eugene Meehan, ‘Strategic Legal Writing: Preparing Persuasive Documents’

[Second assignment – legal research – due on 15 November 2017]

Part III – Writing By (and for) the Court

Week 10 (22 November 2017) – The structure of legal decisions

Week 11 (29 November 2017) – LOPP/FLOPP analysis

Week 12 (6 December 2017) – Engaging your audience and ‘voice’

Week 13 (13 December 2017) – Conclusion of segment and wrap-up of course

Sources/materials for this segment:

James Raymond, 'Writing for the Court'
James Raymond, 'The Architecture of Argument'

[Third assignment – written advocacy – due on 13 December 2017]

31 January 2019: Exam

Assessment of the Course

This course will be assessed 50% by course work and 50% by examination. Students have the option – and are indeed encouraged – to consider their coursework grade to comprise 100% of their assessment [i.e. while the exam is optional, the course work is not!]

i. Examination

The examination will be held on 31 January 2019. More information will be provided regarding its structure on the final day of the course, although it will reflect material covered throughout the course.

ii. By course work

The course work component of the assessment will comprise three exercises.

The first is an exercise in style: you will be given a series of examples and asked to identify errors or to redraft sentences or small paragraphs using principles identified during the first segment of the course. This first exercise will be released to you by email on 18 October and will be due on 25 October

The first exercise is worth 10% of the grade

The second exercise was introduced in class on 4 October. It asks you to:

- ▶ Choose an area of law (if you are a law student; any other form of research if you are not) that you are already well familiar with (e.g. the topic of your thesis, or a research paper you have done). The purpose of this exercise is to test drafting skills, not research skills, so please use an existing piece of work as the starting point!
- ▶ Assume that you have recently joined a law firm (or other hierarchical organisation) and your supervisor has asked you to prepare a research memorandum on your chosen topic for the Senior Partners of the firm. As the Senior Partners are very busy, they wish you to limit your research memorandum to three pages, and to provide a succinct summary of the main points of your research only.
- ▶ Prepare a research memorandum in English for your supervisor, summarising the main conclusions of your research. Ensure that your summary reflects the principles of good organisation and drafting taught thus far in the course.

The second exercise is worth 20% of your final grade.

The third exercise will test the skills acquired in Part II of the course, concerning written advocacy. It will be introduced in class on 13 November and will be due on 13 December.

The third exercise is also worth 20% of your final grade.

