

THE BASICS OF LEGAL WRITING – FOR FIRST YEAR STUDENTS

The Law School recognises there are different styles suitable for legal writing and that it is impossible to set down hard and fast rules for every occasion. Nevertheless, it is possible (and appropriate) to identify some basic standards with which all writing submitted for assessment should conform:-

1. Consider the reader. Choose your format with the reader in mind.

- Choose a font size and type of the right size for ease of reading (e.g. Times New Roman or Calibri 11 pt) and use at least 1.5 line spacing.
- Adopt a structure that enables the reader to follow your argument with ease. Use of carefully-chosen headings and sub-headings is one way (but not the only way) to impose structure upon your work.

2. Observe the general rules of English grammar, syntax and punctuation.

- If you are unsure of any grammatical rules, you should refer to Meehan and Tulloch, *Grammar for Lawyers* (2nd ed, 2007). There is a discussion of several common pitfalls in legal writing in TC Beirne School of Law, [A Guide to Citation of Sources and Writing Style in Assignments](#).
- You should prefer standard British/Australian spelling to American spelling, e.g. 'labour' not 'labor', but you should note the following exceptions:-
 - Where an organisation has adopted a non-standard spelling as part of its official name, you should use that spelling, e.g. Australian Labor Party.
 - Where the non-standard spelling appears in a quotation from the work of another author, use that author's spelling.

3. Formal modes of expression are to be preferred to informal modes.

- Contractions, abbreviations and slang should not be used in legal writing.
Examples:-

INCORRECT – The plaintiff claimed compo.

CORRECT – The plaintiff commenced a claim for compensation.

INCORRECT – Since the defendant hadn't entered an appearance, the court entered judgment in favour of the plaintiff.

CORRECT – Since the defendant had not entered an appearance, the court entered judgment in favour of the plaintiff.

- While informal modes of expression are to be avoided, you must take care to choose a style and tone that is appropriate for the occasion. For example, one would avoid using technical terms and lawyer's jargon when writing a letter to a client.

4. Do not plagiarise.

Plagiarism is the use of another person's work without acknowledgement. The basic rules are as follows:-

- If you are quoting another author's work, the quotation must appear in single inverted commas and must be accompanied by a footnote or endnote reference.
- If you are paraphrasing another author's work – that is, you are summarising in your own words what another author has said – inverted commas are not required but you must insert a footnote or endnote reference to indicate the source of the idea.
- There are some rules of law, which are so elementary and uncontroversial, that any person who has any level of legal education is able to assert them without citing authority (e.g. A promise made in a deed is enforceable at common law, even though no consideration has been given for the promise.). If you are using your own words to state these propositions, there is no need to cite a source. Of course, if you are using a form of words taken from another source, that is a quotation, so it must appear in single inverted commas and be accompanied by a footnote or endnote reference.
- For guidance as to referencing style, see TC Beirne School of Law, [*A Guide to Citation of Sources and Writing Style in Assignments*](#).
- The University authorities regard plagiarism – including negligent and 'unconscious' plagiarism - as serious misconduct.

5. Advice from Course Coordinators.

If Course Coordinators, in relation to specific pieces of assessment, state additional requirements or give advice that differs from the information provided in this document, students should follow the specific advice of their Course Coordinators in relation to that assessment.