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**Introduction: The Will to Survive**

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The Legal Writing Survival Guide
The Legal Writing Survival Guide

Rachel H. Smith

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For Lipkin, Oscar, and Gus
# Contents

Acknowledgments xi

Introduction: The Will to Survive xiii

## Chapter I • Surviving Legal Writing

### A. How to Start Any Document 3

1. Focus on Done-Ness, Not Perfection 4
2. Adopt the Psychology of Survival 6
3. Make a Plan for Your Document 7
   a. Verify Your Purpose 7
   b. Set a Deadline 8
   c. Determine a Page or Word Limit 8
   d. Collect All Supporting Documents 8
   e. Find a Good Template 8
4. Start with Something Simple 9
   a. Create the Shell 10
   b. Brainstorm a Substantive Checklist 11
   c. Write Anything 13
5. Bite the Bullet 16

### B. How to Simplify a Document That Is Too Complicated 18

1. Remember Your Purpose 19
2. Assess Your Position 20
3. Take No Prisoners 23
4. Build a Bunker 25

### C. How to Shorten a Document That Is Too Long 27

1. Travel Light 27
2. Travel Smart 28
3. Know the Lay of the Land 29
D. How to Figure Out a Document That You Do Not Understand
   1. Conduct Reconnaissance 31
   2. Resist 32
   3. Send Up Smoke Signals 34

Chapter II • Surviving Memos

A. The Memo That Could Not Find the “Right” Answer
   1. Use Dead Reckoning 38
   2. Consider Escape Options 39
   3. No Sneak Attacks 41

B. The Memo That Could Not Reach a Conclusion
   1. Get a Compass 42
   2. Find True North 43
   3. Make a Map 44
   4. Weigh Tactical Considerations 45

Chapter III • Surviving Briefs

A. The Brief That Deals with Bad Facts
   1. Scout 49
   2. Do Not Freak Out 49
   3. Camouflage
      a. Rebrand the Slimeheads 49
      b. Make Sandwiches 51
      c. Seek Shelter 53

B. The Brief That Deals with Bad Law
   1. The Possibility of Rescue 55
   2. Countermeasures
      a. Adopt a Problem-Solving Mindset 56
      b. Outwit the Alligator 57
      c. Do What You Can 59
      d. Stand and Fight 59
      e. Build a Barricade 61

Chapter IV • Surviving Correspondence

A. The “I Have Bad News” Email 64
1. Signal 64
   a. The Relationship 65
   b. The Nature of the Bad News 66
   c. The Impact of the Bad News 66
2. First Aid 67
   a. Choose Your Pronouns Carefully 67
   b. Avoid Legalese 69
3. Recovery 70
B. The “I Was Wrong” Email 71
   1. Remain Calm 72
   2. Investigate and Plan 73
      a. Assess Accurately 74
      b. Choose Your Method of Communication Wisely 74
      c. Describe Impassively 75
      d. Diagnose Sharply 75
      e. Pep-Talk Time 76
   3. Adapt 77
      a. Audience 77
      b. Style and Substance 77
      c. Organization 79
4. Keep Going 80
C. The “I Need Help” Email 80
   1. Make a List 81
   2. The Cry for Help 82
      a. The Windup 82
      b. The Pitch 85
      c. Organization 86
   3. Say Thank You 88
D. The “I Did Not Mean To Send That Earlier Email” Email 89
   1. Self-Soothe 90
   2. Respond 90
      a. Apologize 90
      b. Strategize 92
   3. The Closer’s Mentality 94
# CONTENTS

## Chapter V • Survival Tool Belt: Tips, Tricks, Checklists, and FAQs

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Research</td>
<td>97</td>
</tr>
<tr>
<td>B. Grammar</td>
<td></td>
</tr>
<tr>
<td>1. Pronoun Agreement</td>
<td>98</td>
</tr>
<tr>
<td>2. Its v. It’s</td>
<td>99</td>
</tr>
<tr>
<td>3. Because v. Since</td>
<td>99</td>
</tr>
<tr>
<td>4. Compound Subject-Verb Agreement</td>
<td>100</td>
</tr>
<tr>
<td>5. Modifier Placement</td>
<td>100</td>
</tr>
<tr>
<td>C. Punctuation</td>
<td></td>
</tr>
<tr>
<td>1. Apostrophes</td>
<td>101</td>
</tr>
<tr>
<td>2. Quotation Marks</td>
<td>102</td>
</tr>
<tr>
<td>3. Semicolons</td>
<td>103</td>
</tr>
<tr>
<td>D. Citation</td>
<td>104</td>
</tr>
<tr>
<td>E. Readability</td>
<td>105</td>
</tr>
<tr>
<td>1. Make the First Sentence of Every Paragraph a Clear Topic Sentence</td>
<td>105</td>
</tr>
<tr>
<td>2. Write Short Sentences and Paragraphs</td>
<td>105</td>
</tr>
<tr>
<td>3. Use Transition Words to Guide the Reader</td>
<td>106</td>
</tr>
<tr>
<td>4. Always Have Page Numbers</td>
<td>106</td>
</tr>
<tr>
<td>F. Proofreading</td>
<td>106</td>
</tr>
<tr>
<td>G. Style</td>
<td>108</td>
</tr>
</tbody>
</table>

Index 111
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Introduction:
The Will to Survive

This book is about survival. Being a lawyer is hard. Doing the work of a lawyer is hard. Reading rules, analyzing facts, solving problems, and writing in a way that another person can understand is hard. I had days as a law student and a lawyer that I would swear were harder to survive than being lost in the Everglades, marooned in Antarctica, or adrift in the Indian Ocean. This book offers advice, processes, tips, and tactics to help you survive any legal writing project. They are all born of my real-life experience as a litigator at a large firm and as a legal writing professor.

Before we get any further, you should know that this book, like any survival guide, makes one fundamental assumption about its reader: that he or she wants to survive. Just by picking up this book, you have demonstrated the will to survive. You are not going to be the person who lies down in the snow on Mount Everest and tells the rest of the survivors to go on without you. You know the one: “I am so cold. I can’t go on. Leave me here. Oh, I see my Nana coming towards me. She is so beautiful.…”

It may seem over the top to talk about “survival” in the context of writing legal documents. Obviously, there are people who actually worry every day about how to survive. Law students and lawyers occupy a place of comfort compared to so many others (even if that is easy to forget). And yes, we are deeply grateful for that good fortune. But in my experience, there were memos, motions, emails, and a million other documents that felt like a matter of life or death while I was writing them. I wrote this book with
the hope that I could help you have more perspective in those moments than I did.

I also wrote this book because I think that you can be a good legal writer, and that the writing that we do as lawyers is worthwhile. Being able to write in a way that communicates effectively and helps your client is a tremendous thing—and it feels tremendous to do it well, like having a super power. I imagine that surviving a zombie apocalypse or a rhinoceros attack feels the same way. I want you to have that feeling when you survive writing a legal document.

This book is for law students and lawyers who are in the midst of a struggle to survive with a legal document. If that describes you, I think that this book will help you and make your life easier. But here is my first tip: Even if you follow none of the steps in this book, even if you read this book (or don’t) and then do the opposite of everything I suggest, you will still survive as long as you have a friend, or a cat, or a couch to go home to. Because that is how you really survive the stresses of this profession—by not neglecting your life away from your work computer. The way to survive is to remember the people, places, animals, books, and things you love. And keep your feet dry.

I wish the best for you in all of your adventures, legal writing and otherwise. Godspeed!