



The Care and Feeding of a Legal Writer

If you supervise junior attorneys (and sometimes even if you don't), a little writing coach resides in your heart. Let it roar by giving the attorneys and staff you supervise feedback that will help them become the best writers they can be.

I know that you're busy. But taking time to provide thoughtful feedback—rather than a cursory redline or nothing at all—often represents a savvy investment in



the future effectiveness and reputation of your law office. As I wrote in my first column, no one ever “arrives” as a perfect legal writer; good writers evolve until the day they stop writing altogether. And, let's face it: A few legal-writing classes in law school make an excellent beginning, but we all benefit from additional coaching once we hit the real world of law practice. A handful of simple techniques can help you guide your junior colleagues to become more competent and persuasive writers.

Remember: Your goal here is not just to fix one memo or brief, but to foster better writing skills and habits in the future. That's tricky. Luckily for us, back in 1996, a legal-writing professor named Anne Enquist researched what types of feedback legal writers found most effective.¹ And, both in my

career as a litigator supervising junior attorneys and over the past seven years teaching law students, I have found not only that students and junior lawyers seem to appreciate the techniques she suggests, but also that this type of feedback helps facilitate what educators call “transfer of learning”—it helps the writer translate comments on one piece to the next piece, even where the next piece involves different issues or challenges.

First, although margin comments that identify errors help, end comments deliver the most impact. A constructive end comment summarizes your overall qualitative assessment of the piece and then identifies a manageable number of specific priorities for revision (or for improving the next piece). This not only provides the space to explain any comments that require more detail, it also signals what you think are the most important things the writer needs to improve. Ideally, you even set out the priorities in order of importance. A solid end comment provides a roadmap for a better next brief.

Second, labeling comments or the use of editorial marks may tell a writer what needs to be fixed, but feedback that builds better future writers does more: It explains comments and models better writing. Although redlining the document does accomplish the latter—and when you're in a rush it may be your best option—it falls short as a coaching technique. Instead, the most effective feedback diagnoses the writing issue, points the recipient to a resource to learn more about that issue, and gives an example of how to cure that issue.

For example, many writers use too many words. This problem may pervade a brief. You can highlight one or two wordy sentences, show the junior attorney how to write them more concisely, and write an end comment flagging wordi-

ness as a priority for revision. You can even point the person to books or online resources that suggest strategies for eliminating wordiness. (Garner's *The Redbook* has two chapters devoted to this, for example.)

Third, positive feedback isn't just touchy-feely nonsense. It matters. We want to encourage and reward good work, but we also want people to repeat it. Highlight good writing or reasoning, but also explain why a particular passage or argument works (just in case the writer did it by accident!).

Finally, liberate yourself from the compulsion to mark or comment on every error. Most often, you can identify recurring issues or patterns and highlight one or two illustrative examples in the paper with the note that the writer should watch for this issue throughout the paper and in the future. This restraint also avoids “red pen syndrome,” where the sheer volume of comments so overwhelms and demoralizes the recipient that it creates chronic writer's block.² Your tone also makes a difference; comments perceived as snarky or demeaning are more likely to alienate than to educate.

Of course, you cannot provide in-depth feedback every time. The rigors and economic realities of law practice often demand quick turnarounds, and you sure can't bill a client for training your own employees or interns. But even if you just engage in this exercise once or twice with a law clerk, extern, or junior attorney, you can mold a better legal writer. It's an investment in the future of our profession, but it can also be incredibly personally rewarding.

endnotes

1. For more, see Anne Enquist, *Critiquing Law Students' Writing: What the Students Say Is Effective*, 2 LEGAL WRITING 145 (1996).
2. More on overcoming legal-writer's block in a later column!

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