

Legal Writing Tips

Thurgood Marshall School of Law
Texas Southern University

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*A weekly on-line
newsletter about legal
writing to help law
students develop a
professional legal voice*

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Legal Writing Tips is a weekly on-line newsletter about legal writing that is designed to help law students develop a professional legal voice by offering helpful points about grammar, syntax, rhetoric, punctuation, and style; discussing research about legal writing; and making information available about legal writing resources.

THINKING ABOUT LEGAL WRITING: Using Thesis Statements

This writing tip is the fifth of several writing tips in the form of “jottings” that are based on the *Guide to Legal Writing Style* by Terri LeClercq (3rd ed., Aspen, 2004). It also provides information about *The Aspen Handbook for Legal Writers – A Practical Reference* by Deborah E. Bouchoux of Georgetown University.

Let's begin by considering Chapter 1 of Terri LeClercq's *Guide to Legal Writing Style*.

In Chapter 1, LeClercq says that “thesis statements vary by function.” She identifies two functions - predictive and persuasive:

1. In a legal memorandum, a thesis statement is “predictive” because it leads the reader from the legal issue to a short, general conclusion that precedes a balanced analysis of all the pertinent theories and cases.

2. In a legal brief, a thesis statement is “persuasive” because it argues a conclusion that the brief will afterwards support through cases and theory.

Several questions come to mind: What do you make of these two functions? Can you think of any concrete examples? What differentiates these functions? Their goals? The words they use? The position of the information in the text? At what level of planning (macro/micro) do you consider the different functions of a thesis statement?

LeClercq says that statements of facts rarely begin with a thesis statement, but they can begin with a thesis statement “especially if the facts are organized around a specific principle other than chronology.” Two questions come to mind: What does LeClercq mean? Can you think of an example of what she means?

Several more questions come to mind about thesis statements: Have you seen thesis statements used in the legal texts that you have read? What do they look like? As a reader, how did you recognize the thesis statement? As a reader, how did you use the thesis statement? Have you used thesis statements in the legal texts that you have written? What did they look like? How did you use them? Can you imagine yourself using thesis statements in the legal texts that you are writing now? What would they look like? How would you use them? Why? Can you think of any other function that thesis statements can have? If so, what? What would they look like? How would you use them? Why?

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The Aspen Handbook for Legal Writers

Aspen Publishers has recently made available *The Aspen Handbook for Legal Writers – A Practical Reference* by Deborah E. Bouchoux of Georgetown University.

The Aspen Handbook for Legal Writers is a comprehensive, easy-to-use reference text for legal writers who want to refresh or refine their knowledge of mechanics and style. The text contains important information that legal writers need, in an extremely accessible format. As a reference book that concentrates on writing mechanics, *The Aspen Handbook for Legal Writers* focuses on the rules of grammar, style, and usage, with examples and coverage targeted to the needs of legal writers by an author with years of experience teaching legal writing and beginning legal writers. The section on Legal Documents offers tips and strategies to improve legal writing, as well as samples of a letter, a memorandum, a trial brief, an appellate brief, and a transactional document.

The Aspen Handbook for Legal Writers stresses a practical approach to legal writing that will assist law students in solving common problems and dilemmas. The text contains helpful substitutions for "legalese," lists of commonly used legal idioms, spelling tips, advice on organization and the legal writing process, a description of common legal blunders, and suggestions about proofreading and document design.

With its trim size and two-color printing, *The Aspen Handbook for Legal Writers* is written with helpful design elements that highlight important information and make the book easy to carry and consult. In addition to a Glossary of Terms and a Glossary of Usage, the text also has helpful appendices that contain useful information about English as a Second Language and about citation form with both Bluebook and ALWD examples.

Packed with information designed to encourage the novice legal writer, *The Aspen Handbook for Legal Writers* also includes: (1) websites for each topic, (2) tips and strategies in each chapter to highlight key topics, (3) challenge exercises in each chapter that allow readers to test their mastery of the material, (4) a brief Table of Contents on the inside front cover, and (5) a writing checklist on the inside back cover for fast reference.

Deborah E. Bouchoux is an attorney whose specialty is intellectual property. She has served as in-house counsel for Management Information Consulting, Inc., an information technology company. She has also been an instructor in the legal assistant program at George Washington University. Involved in paralegal education for more than 20 years, Ms. Bouchoux currently teaches at Georgetown University's Legal Assistant Program. She has authored a number of textbooks on topics as diverse as intellectual property, legal research and writing, and forms of business organizations, including *Protecting Your Company's Intellectual Property: A Practical Guide Trademarks, Copyrights, Patents & Trade Secrets*; *Business Organizations for Paralegals*; *Intellectual Property: Law of Trademarks, Copyrights, and Patents*; *Legal Research and Writing for Paralegals*; and *Cite Checker: A Hands-on-Guide to Citation Form*. Ms. Bouchoux resides in Great Falls, Virginia.

Your thoughts about these writing tips are welcomed. Please feel free to respond by email to the editors by sending an email to Professor Palasota: apalas@tsulaw.edu