

Essential Legal Skills: Legal Writing from an Academic Perspective

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Introduction

This article draws from empirical research into how international lawyers develop plain legal style for clear communication in legal writing. An interdisciplinary field, legal writing requires both legal and linguistic skills and knowledge. There are different kinds (genres) of legal writing: for example, (a) academic legal writing as in law journals, (b) juridical legal writing as in court judgments, and (c) legislative legal writing as in laws, regulations, contracts, and treaties.² Another variety is the language used by lawyers to communicate with clients requiring a more “reader-friendly” style of written communication than that used with law professionals.³ For lawyers operating internationally, communicating with clients across cultures implies a need for transnational legal and linguistic awareness.⁴ Whatever the form of legal writing, both legal skills and language skills acquisition forms a vital part of professional education and training in today’s global age.

Goddard (2010) identifies some factors that global legal skills instructors need to consider given Mellinkoff’s (1963) observation that “the law is a profession of words.”⁵ First, legal systems tend to be specific to nation states. Second, the use of language outside its natural context can be problematic (for example, legal English). Third, there are several genres of legal language, each of which has its own audience and purpose.⁶ Fourth, the rise of the Plain Language movement challenges traditional forms of legal language use. Fifth, cross-cultural aspects of legal communication may need to be considered.⁷

What is Legal Language?

Legal language has been referred to as a “sublanguage.”⁸ This term suggests that legal language differs from ordinary language “not just in vocabulary, but also in morphology (structures of words), syntax (structure of sentences and parts of sentences), semantics (meaning

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² Bhatia, V. K. (1993). *Analyzing genre: Language in professional settings*. London: Longman.

³ Goddard, C. (2010). Didactic aspects of legal English: Dynamics of course preparation. In M. Gotti and C. Williams (Eds.), *ESP across cultures [Special issue]: Legal English across cultures: Vol. 7*, 45-62.

⁴ Goddard, 2010

⁵ As cited in Wydick, R. (2005b). *Plain English for lawyers: Teacher’s Manual* (5th Ed.). Durham, NC: Carolina Academic Press, p. 3.

⁶ Ramsfield, J. (2005). *Culture to culture: A guide to U.S. legal writing*. Durham, NC: Carolina Academic Press.

⁷ Goddard, 2010, p. 46

⁸ Peter Tiersma (1999). *Legal Language* (as cited in Wydick, 2005b)

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