

IMPORTANCE OF LEGAL WRITING

BY

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Good Evening Esteemed Colleagues!

I'm delighted to be here, sharing knowledge with you all today.

I will be discussing the importance of learned writing with you.

First of all, I will like to tell you about a case;

MYLWARD V. WELDEN

In this case, the plaintiff filed pleadings running into 120 pages, the judge struggled through the volumes and after a thorough assessment he realised that the entire writing could have been summarised into 16 Pages.

The judge furiously asked for the person that wrote it (the plaintiff's son, Richard) and he imposed heavy sanctions on Richard for his annoying Verbosity, which he (the Judge) tagged as an 'abuse of court process'

His sanctions included a £10 fine, jail time and the ignominy of having the offensive pleadings hung over his head through a hole made in the paperwork (a legal loophole) and he was also paraded around the courts of Westminster bare headed and bare faced, what a disgrace!

Can you just imagine how serious and old legalese and verbosity is?

It has plagued learned writing since the beginning of time, and we all need to say a big No to the temptation of it.

We basically received it with the Statutes of General Application

For clarity, Legal writing is learned writing.

The challenge faced by our average learned colleague is not the inability to write or the famous writer's block, It is Legalese and Verbosity

Don't write like **Richard Mylward**, write concisely.

Concise writing is more persuasive than fatty issue, when you garnish your prose with too much cream, you tend to descend into clichéd expressions and ***crinkum-crankum!***

Smart Judges, HRs and busy bosses hate *clichés*; they weaken your writing, taking the joy out of it.

Legalese and Verbosity are like bragging, you loose your audience when you start bragging.

According to John C. Maxwell - if you want to loose friends quickly start bragging about yourself.

Let someone else praise you, not your own mouth- a stranger, not your own lips - Proverbs 27:2

GERRY SPENCE once said,

"When it comes to plain talk, lawyers are the worst. Most speak and write as if they live in a repository for dead bodies. When they write briefs that some poor trapped judge must read, they fill them with heavy, gray, lifeless, disgustingly

boring word gravel-piles of it, tons of it. When I read most briefs, I want to scream. I want to throw the brief out the window and jump. If I could find the author, and had the power, I would make the villain eat the thing a page at a time without salt or catsup"

Our learned friend Gerry Spence has never lost a criminal case (defence or prosecution), he also hasn't lost a civil case since 1969.

My teacher, Chinua Asuzu says always '*A tiger does not proclaim his tigritude'*

"A document may be grammatically correct but still lack punch...if you are trying to persuade someone, perhaps a court, you'll want to make your writing as strong as you can. Eliminating wordiness and legalese will help strengthen your writing."

-PROFESSOR FISCHER

Words as we well know are the lawyers' tools.

Either written or spoken words, as future wigs, we need to sharpen our tools.

HRs employs the sharpest Knives. As Wordsmiths, we beat and mould words into our desires. To be savvy, you need to be good with words written and spoken.

Everyone wants to work in a top law firm like:

OALP, UUBO, AELEX, ACAS, B & I, Templars e.t.c.

Consider yourself a writer from today; cultivate a writer's self image. (We are what we repeatedly do).

Lawyers are professional writers, Lawyers write briefs for professional readers.

Writing is the craft of our profession and writing with brevity enhances our persuasiveness.

In the Court of Appeal, majority of the argument is done in writing.

Writing with brevity and being persuasive is the key to victory.

The only partially serious writing required in legal education is the LL.B Long Essay. Student lawyers do little writing for four years, receive little training in writing and all too sudden in the fifth year we are commissioned to write a project.

No wonder why many law graduates enter the legal marketplace ill-equipped to practice our religious profession predominantly characterised by writing.

You can start writing by developing every assignment you are given into a proper article.

I wish I developed every assignment I was given from 100 level, into an article for publication. It is not too late for some of you to do.

Plain-English Legal Writing democratizes the law. Public documents should be clear; courts need to conduct their proceedings in clear language.

It is ironic, creating laws for citizens who can barely read them. If democracy is the government of the people, by the people and for the people, law is the language which government interacts with the people. It is the language of democracy. The people whose government speaks through law must understand what is said.

Esoteric language defeats this vital goal of governmental communication and denies the people ownership of their government. Esoteric writing does not equal learned writing! The language of the law must not be foreign to the ears of those who are to obey it!!

Have you noticed the verbosity of corporate contracts and licenses? Software licenses and bank account opening forms are designed to keep you from reading or asking any questions. You just skip to the bottom and sign what you don't understand or just click 'I Agree'. They can all be expressed in plain English in a few paragraphs

Rather than Conspire, communicate! Go beyond communication and engage!!

As **Prof. John Trimble** says, *“all writing is communication, but most writings hope to go further. It hopes to make the reader react in certain ways, with pleased smiles, nods of assent, stabs of pathos or whatever.”*

Be Clear, Comprehensible, Concise and Cogent!!!

Many senior accomplished lawyers and legal officials think they are experts in learned writing, well they are not.

Carl Felsenfeld memorably said, Lawyers have two common failings,

- 1) **They do not write well**
- 2) **They think they write well**

Today's legal world is writing biased, the orator's era has gone.

Writing dominates Arbitration and Alternative Dispute Resolution as much as Trial and Appellate Courts.

Time is far spent, tomorrow I will extensively discuss the opportunities of learned writing, using myself and a number of seniors colleagues as relevant examples with life application.

DAY 2

Good Evening Everyone!

Welcome to our final session together

Today's session is going to be more interactive

Applications for opportunities require you to write responsibly. All opportunities nowadays require a form of writing. Your write up says a whole lot about you, your character, imagination and your mindset.

'Man speaks from the abundance of the heart.'

Whatever you are applying for, internship, job, scholarship etc. Requires learned writing.

A recruiter will most definitely judge your application by the first few lines, you need to be as skillful as possible while writing. Recruiters have to go through tons of applications, how do you think a stressed recruiter that stumbles upon the verbose write up above would feel?

Many writers seem to lose sight of the goal, verbose writing may be thought scholarly than ordinary straightforward prose, but it isn't.

I once went for a competition (**National Law Student Debate**) where verbosity seemed normal, a speaker from a certain school was cheered loudly because of his verbosity, the judges deemed it appropriate.

On another occasion, in a more formal, civilised and standard competition (an oratory contest), several people were penalised for their verbosity.

The judges being learned, with high standards by virtue of their qualifications acquired in foreign schools, were knowledgeable enough to point out this flaw.

Writing opens a lot of doors, planned and unplanned. Nowadays it is very easy to publish articles. There are several platforms willing to do so for free or for a token. LinkedIn is one of such free platforms.

How many of us are on LinkedIn?

LinkedIn is the leading platform for professionals from all works of life.

There are diverse opportunities available for proficient LinkedIn users. I often times, spend more time on the app than any other.

As a writer and proficient LinkedIn user, you get to be offered opportunities without even seeking them out. I used to hear statements and tales about opportunities on LinkedIn, now I experience it. I've gotten job opportunities and role opportunities. My very good friend once secured an opportunity to Intern in **Aluko & Oyebode** via LinkedIn, he didn't even have to apply to the firm.

Recently an editor from the international book market, based in Germany offered to publish some of my academic works.

As a writer in this age, you can't afford not to be on LinkedIn. Publish your works on LinkedIn or put up your publications on it for people to read. A SAN or any other influential person can get interested in your work and from there other doors get opened smoothly as silk.

While writing for such publications, always keep in mind that modern readers have little patience for long sentences and complicated constructions.

The avalanche of reading matter, both soft and hard, at your readers door step means that your written work is competing for the reader's attention. You have to work hard to get their attention; a way of gaining it is by writing mostly, short sentences and short paragraphs.

Be stingy with words; let every word matter and count.

For scholarships too, a scholarship board will first and foremost set a word limit for verbose writers. Imagine a scholarship board having to read that lengthy pile of words for just a short meaning.

In the end what really matters is not what is being said, but what is heard. There's no point in saying a whole lot when all that is heard is not that much. Focus on what is heard, the message that is really being passed across.

Take for example the Rhodes scholarship, I am currently preparing for the next application process. The board requires applicants to write about their service to their community and humanity, it would be unwise to focus on irrelevant things instead of passing the right message across!

CV writing is not left out. I once had an eight pages CV when I was in 300 level, i was happy with the thought of the pages of my CV increasing and i would literally do anything to see it increase.

How ignorant of me!

I had a major paradigm shift after an employability seminar. I'm sure many of us still think this way, don't be like my past self.

No recruiter will bother reading a 10 paged CV for an internship application by an undergraduate. The standard number of pages for a fresh graduate's CV is **1. 2** pages are permitted.

No matter the reason why you are writing, always remember that verbosity is an ailment, and those sick from it need be cured. The next time you happen to see anyone making this mistake, correct them instead of cheering them.

“The only thing necessary for evil to triumph is for good men to do nothing.”

Stand for the change you want, it starts from you!

Every letter, CV, article or book you write after today counts as a part of the movement against verbosity and a stand for your progress and opportunity count...!

Thank you all for having me, serving has been my honour!

Learning and Practicing are two sides of the knowledge triangle; it only gets balanced by teaching others.

We rise by lifting others!

Feel free to follow me on LinkedIn:

<https://www.linkedin.com/in/faith-oluwaferanmi-olafimihan-ba6223187>

The legal profession is a social profession; you are at liberty to reach out to me via LinkedIn.

Stay Safe!!

Have a lovely holiday!

