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How to Use the Samples in This Book

- 1. The part of the text that is not samples is not written in formal legal writing style, so don't imitate that style when you write briefs and memos. Legal writing teachers write comments on student papers all the time, and that's the writing style we've used here. We hope it communicates effectively, but we were not trying to sound like lawyers, or even grown-ups, so you shouldn't imitate that style when you are trying to write like a lawyer.
- 2. Don't imitate the samples slavishly. Some samples are bad on purpose, and some are partly good and partly bad. If you ask the question, "Can I imitate this sample?," the answer is the answer you hear all the time in law school: "it depends." As you know, legal readers need different information depending on their role, on the relevant legal issue, and on many other factors. Some techniques are great in a motion brief but not in an appellate brief, and vice versa. Some techniques are great for one client's problem but not for another client's problem; some are appropriate for a federal law legal issue but not for a state law question of fact. So when you are debating whether to imitate a sample, consider whether you are in the same rhetorical situation. And by "rhetorical situation" we mean: why you're writing, who you're writing to, the role you are writing in, and what you're writing about.
- 3. Don't rely on the law we cite in the samples. We based almost all of the samples on realistic legal issues, but we didn't update things to make sure the law was still valid. And when we had to choose between using the law precisely and making the sample a useful sample, we went with making a useful sample. Some of the law is obviously fake; you may see us citing to the fake state of Vanita and the fake regional reporter of "Region East, Second Series," abbreviated "R.E.2d." Even when we cite to seemingly real cases, they—or the law we reference—may be fake or out of date. So if you find yourself addressing a legal issue that one of our samples addresses, don't rely on the sample. If our sample gives you a hint as to the relevant law, wonderful—but do your own research.

Online Appendices are available at www.wklegaledu.com/ Beazley-PersuasiveLegalWriting