

## MR MICHAEL LIN (1): WHAT MAKES GOOD LEGAL WRITING?

### **What makes good legal writing in English?**

I think the key fact is you need to think about good legal writing in English is you have to answer the question. Whatever the question may be that your client is asking or that the court is asking or whatever, you have to answer the question. You have to do it, most of the time, relatively clearly. You need to be able to make your points in a clear and succinct manner and logically tie them together. You can't just bounce all over the place or you just confuse people.

You also need to understand in what context the question is being asked. Oftentimes nowadays, there are very few formal opinions that are being written, that are being requested for people. What people really want are quick and dirty answers as to 'Can I do this?', 'Should I not do this?', or 'Should I do A in option A, B or C?' They are asking their lawyer, 'Tell me which option is best'. And so, if they're sending you an email, or they're just talking to you on the phone, they probably want a pretty quick answer. They're not going to expect you to spend a week and a half researching the subject and then get them back to them. They want something back probably within the end of the day or the very next morning. So there is a lot of pressure on attorneys now to give fast answers.

### **What are the differences between academic and professional writing?**

I think in an academic setting, you do have the benefit of more time. So you can say I am going to spend three months or four months researching this, I'm going to have other people help me with the research, things like that. In a professional setting, you usually won't have so much time. It will be, again, very... They'll want a quick answer. They'll want something which actually, probably ties to a specific situation; a real-life business situation. And you can't give oftentimes a hundred per cent answer because you don't know what the other person or the other side is going to be thinking. But you need to give a very practical answer, 'Well, you can do this, but I think your chances of getting sued are only five per cent, don't worry about it', or 'Yes, this is actually a really big risk. I don't think you should do this. Or if you do, be prepared to be sued very soon after because we know your competitors are watching you on this matter', or something like that.

In a professional sense, you're not going to be able to have much time to do research. They're going to expect you to be able to respond very quickly. In academia, you have as much time as you want, really. So, very, very different.

**What advice do you have for students who are learning legal writing in English?**

One thing is, if you're doing it in English, you need to really be doing it in English. You can't be thinking in Chinese and then translating it in your mind and then writing it down. The grammar is going to all be messed up. Your thoughts are not going to be coherent across the page. You're going to have to really think in English and collaborate with someone who's a native English speaker to read it and see if it still makes sense later on, or whether things need to be reorganized, or something like that. Because especially you know here in Hong Kong, you've got three different languages at least going on at the same time. Very few people are used to making a coherent legal argument.

You start with the law, and then you move to your facts, see how your facts tie in to the law or the previous common law or the cases, and then you reach a result as to why your situation will go the same way as the cases or go in a different way. The structure is simple, but making sure that it's easily communicatable, making sure that people can read it and understand what you're getting at, what your logic is, and what's important, what's not important is quite a talent, I think. It takes practice. Practice is good. You want to make sure that you've written simple arguments before you move on to more complex arguments. Don't start by analyzing the most complex law. Practise first. And use your friends, use your professors to really bounce ideas off of them.