

## PROFESSOR CHRISTOPHER GANE (1): WHAT MAKES GOOD LEGAL WRITING?

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

The key to good writing in an academic setting is clarity and precision. It's very important in law because we are dealing with legal rules, legal principles. And fundamental to the understanding of any legal argument is clarity in the basic principles that you're trying to communicate or the basic principles which provide the foundation for your argument.

### **As a professor, what are you looking for in the legal arguments that you read?**

I think I can sum that up in one word: engagement. I want the writer to demonstrate to me that he or she is engaged with the subject that they are discussing and that they're making an effort to engage me with the subject as well. If I'm left, and often you are left, right at the beginning of legal writing, you're left with the idea that this is a formulaic exercise being undertaken by the writer, then you fairly quickly switch off... And I have to say that in the context of assessing students' work, if they switch you off in the first paragraph, then they are in trouble.

### **How did you learn to write legal arguments in English?**

I don't think that universities were very good, when I was a student, at teaching you how to construct a legal argument, at least not in the context of the university that I studied at as an undergraduate. When I left university, I went to study in France for a year and there I learned the importance of structure because in the French academic environment, structure was actually the dominant consideration in everything that you were expected to write. I remember being advised by the professor of Civil Procedure, when we did our first written exercise that there were ten marks for the exercise: six were for the plan and four for the content. So I was taught in a fairly vigorous way that structure was key to writing a good legal argument.

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

One of the most important things that students should do in learning to write better is to read. It's

to read good written English. Good written judgments, good written academic arguments, but not just legal arguments, not just that kind of writing. Read good English from other sources.

I think it's very important for anyone who's undertaking legal writing, but particularly for students, that writing is fundamentally a communicative process. We very rarely write for ourselves. Even diarists, I think, secretly want someone else to read their diary eventually. So we're writing for other people and so we need to have a very clear idea in our own minds as what it is we want to communicate, who we're trying to communicate to, and why we're trying to communicate it.