

THE HONOURABLE CHIEF JUSTICE GEOFFREY MA TAO-LI (2): ADVICE ON LEGAL WRITING

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

If you are able to persuade a friend or a fellow student to look at your writing, your piece, and to criticize it, or even better still, for a teacher to do that, then all well and good. If you are on your own and you are trying to learn how to do it, the best advice I would give would be to read some of the great judgments which we see in the law reports. Some judges are better than others. I think, well, I will name some names. If you are able to read judgments from Lord Reid or from Lord Hoffman in more modern times, you will see exactly what I'm talking about: the objective in mind, the legal reasoning, the applicable law, and the application of law to facts, in a succinct way. Being long-winded is not a virtue in this, unless perhaps you're a lawyer counting the words in an opinion when you charge, but brevity is the key.

What advice do you have about the actual drafting process?

Well, I mentioned a little while ago about the need for brevity. Brevity is a discipline to ensure clarity. Brevity doesn't mean, of course, you do something in one paragraph or one page. It means that a lot of what one writes can be eliminated to make the piece clearer. It's a common adage or joke among judges that it takes much longer to write a short judgment than it does to write a long judgment. And the reason for this is that a short judgment or a short opinion takes longer because your mind is more focussed. It's rather like oral argument. If you say that you only have five minutes to make a point, you'll do a much better job than if you're allowed unlimited time.

How can novice lawyers overcome the challenge of brevity in legal writing and drafting?

Try a piece and then go back to it after an hour or the next day and cut it by half and see whether you can do that. If you can do that, then you will realize you have been far too long and then the next exercise is to cut that by half as well. And that exercise and double exercise, in a way, will ensure that you achieve what I hope you will achieve by writing a legal opinion.