

MR ALEXANDER MAK (1): ADVICE ON LEGAL WRITING

What makes good legal writing in English?

If you're going to write a brief, a legal advice to your clients, or what you write in the law school, in memorandum, case notes... I think the standard will be pretty much the same. What you need is conciseness, clarity, a logical flow of the arguments, because if you make it readable and intelligible, that's the key.

As a law professor, what do you look for in the writing that you read?

When I assess students on a piece of document, we need, of course, students to keep their sentences short. There are a few criteria: keep the sentences short, explain the ideas in a logical manner, point by point, well-researched.

Discussions of the legal materials, that's not something you can copy from anywhere. That requires your understanding of the cases or the legislative provisions before you can do it.

As a legal professional, what would you be looking for in the legal memoranda that you read?

First, I think we need it to be well researched. Obviously, consider the issues from different perspectives. Look at cases, either from locally or from overseas jurisdictions. Read all the legislations, relevant ones. Basically, occupy loads of time in doing a well-researched memorandum. Then, of course, you get all the materials, summarize them, and then put those materials in perspective before you can utilize those notes or information to write a better legal memorandum.

In law school, we teach students how to write legal memorandum in this way. We need an introduction, something about the facts of the case, the background of the case, the procedural histories, the arguments, and finally conclusions. What is the most important part of the memorandum is, of course, the content, the body, what the argument is, what the laws are, and have you applied the laws to the situations? And given advice at the end of conclusions? I think this works if you practise law in the real world. That makes sense, right? So I think, therefore, the

standard in the teaching in law school and in the profession should be the same.

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

There's no shortcut. Basically, you have to read a lot of judgments because by judgments, basically the judges are telling us stories. We learn how judges write judgments and explain all the arguments. That's very important. That would not be helpful if you just read the nutshell, just the case notes. That won't work, so it takes time. You learn English by reading lots of judgments, a lot of different documents, but you have to give it (your work) to someone who can give you comments.

Reading more, writing more, asking more for advice from professors, from teachers. That's not something new. That should be known to the students.