

PROFESSOR GERAINT HOWELLS (1): WHAT MAKES GOOD LEGAL WRITING?

What makes good legal writing in English?

I think, first and foremost, having something to say to the reader is important. People are spending time reading what you've written and you've got to be always cognisant that you're using up people's precious time. That's a commodity they've got and they don't want to be wasting it on irrelevant information, so they'll normally read it for a reason. If it's an answer to an essay question, they want to know what is your answer to that question, what are you trying to tell me about that subject. If it's a judge reading submissions in court, he wants to know why you've got a good case and what's the basis for that. So I think trying to sort of make clear what you're saying, what's your real purpose of writing is very important. Too many people think that just giving information, facts, cases, statutes, throwing it all down on paper shows that you know something. Well, of course you do, but you tend to then get a relatively low mark. It's when you actually organize the information in a systematic way, which really draws out the key points and really sort of rams home to the reader what your central message is, that people enjoy reading and that gets you the higher marks, or makes the judge favour your argumentation.

What are the differences between academic and professional writing?

I think where people are reading things for professional reasons, time is even more of the essence. They aren't always into the nuances of the debate. They want to cut to the chase a little bit faster.

I guess that in practice, people are more keen to just really work out what have we really got to decide today and not deal with every aspect of the topic, whereas the tendency coming in academic writing is to feel a need to be complete in the analysis.

As a professor, what do you look for in a piece of writing?

I always say an essay where you can turn the pages very quickly is normally a good essay. You need to be able to see straight away what the student is trying to argue and how they've structured themselves to get there. I think things like headings can help. And things like making clear that all

the right cases and statutes are there by making sure they're underlined or highlighted in some way because you've expected to see half a dozen cases and they're there on the page jumping out at you, then immediately you get a good impression this person knows what they're doing.