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The writer who hesitates need not be lost

By Julie Baker and Lisa Healy

Write On provides guidance on writing memoranda and briefs that will lead to the results their authors — attorneys — are hoping for from readers of those legal documents.

Everyone struggles with writer's block — the inability to get all the brilliant and persuasive words and ideas that you have in your head out and onto the computer screen (or the piece of paper).

Most of us deal with writer's block by either: (a) staring at the screen for hours, typing a few sentences, maybe printing them out, deleting them, then repeating that process until our heads explode; (b) procrastinating until the last possible second, then desperately cutting, pasting and typing anything and everything that might have any bearing on the argument we are actually trying to make; or (c) some combination of (a) and (b).

But there is good news. Writer's block can be virtually eliminated when you understand that writing is a *process*, and that there are a few key tips for making the process less painful and more successful.

- **Tip No. 1: The first part of the writing process is *not* writing; it is planning.**

The overall task of writing actually involves three separate phases: planning, drafting/writing and revising/editing.

Included in the planning phase are, for example, reading, researching, organizing and outlining — all necessary steps you must take before you can actually begin to write anything.

If you view these steps as part of the writing process, you will not feel the constant anxiety of "I should be writing. I should be writing."

You cannot write an argument until you thoroughly understand the argument and know, legally and factually, what the points are that you can and should make.

- **Tip No. 2: Getting started is half the battle.**

It is the blank screen (or paper) that is most intimidating. The best thing you can do to begin writing is to have a standard format that you use every time and to use that format to get you started.

For example, each time I write a motion or a memo, I start by inserting the case caption and the title for the pleading. Next, I put in the signature block and the certificate of compliance. Then, I try to write a brief, three-to-four-sentence introductory paragraph under the title, and I put in all the section headings that I know I will need (Statement of Facts; Argument; Conclusion).

If I am far enough along in the planning, I try to include the point headings and subheadings that will frame my arguments. *Voila!* I have about two pages "written," and the hardest part — getting started — is over.

- **Tip No. 3: When you are ready to write, just write.**

When it's time to write, just write. Separate your writing from any editing or revising that you want to do. If you begin writing with the idea that each sentence must be perfect, then you will never get past the first few sentences.

You should absolutely revise and edit what you write, but you cannot do that until you have something to revise.

By striving for a working draft instead of a work of art, you will give yourself a document that you can evaluate to see whether your structure is working, whether you have included each argument you need to make and whether there are any gaps in the legal or factual arguments you should go back and fill in.

And by planning a separate chunk of time — maybe 25 percent of the overall time for the assignment — for revising/editing, you remove the pressure to write everything perfectly the very first time.

Of course, for the vast majority of us, writing will never be easy, and we will always suffer from moments of hesitation, a.k.a. “writer’s block,” when we undertake new writing assignments.

But, having a system, using a standard approach each time and understanding the need to treat different points in the writing process differently will enable you to greatly minimize those moments of hesitation, merely by taking each assignment one step at a time.

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