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## Subtlety, storytelling keys to writing persuasively

By Lisa Healy and Julie Baker

*Write On* is an occasional feature providing guidance for attorneys on writing legal memoranda and briefs.

Just because you are writing about a legal issue does not mean that your writing has to be boring, hard to follow or removed. The best and most persuasive writing makes readers feel involved and as if they have come to their own conclusions about the people or events in the article or book.

### Reaching their own decisions

To make your readers feel as if they have made up their own minds, start by being light-handed. Do not use superlatives, adjectives, adverbs or characterizations unless you are quoting a witness.

Writing "*the Defendant's egregious disregard for even the most basic agreements in the contract bordered on criminal conduct,*" tells a reader what to think.

But by writing: "*Although the Defendant clearly initialed the contract paragraph stating that he would not divulge the Company's trade secrets, within one week of employment he was posting patented recipes for the Company's best-selling products on his Internet blog,*" it allows the reader to conclude for himself that the defendant's behavior was akin to stealing.

While "showing" and not "telling" is relatively easy when writing facts, you can use similar techniques while persuasively arguing the law.

While you know (and at all times keep in mind) the conclusion that you want your readers to reach, if you write subtly and persuasively, your readers will trust you and will feel that, instead of making up their mind for them, you have simply provided them with trustworthy tools with which to make their own decisions.

### Involving your readers

Involving your readers is a slightly easier task: to the extent possible, write about people.

Ask yourself who is involved in your case. Can you write the facts more like a story than a chronology? The point of view from which you tell the story is an important decision to make before you start writing because it will organize and drive your story.

In an oft-used teaching example of Goldilocks being prosecuted for trespass, if you are defending Goldilocks, you might want to start with the weather and the darkness, with the insinuation that this small, scared child was just trying to find shelter:

*"It was January 23rd, and although it was 3:45 in the afternoon, it was already dark out. Temperatures had dropped from 45 to 3 degrees as the sun went down and a record-breaking nor'easter approached."*

As the prosecutor, you would want to write from the terrified victims' point of view:

*"Upon returning home after their walk, the Bears noticed that their front door was ajar. Not wanting to scare*

*Baby, Mr. and Mrs. looked at each other without saying a word. Should they open the door and go inside, or call 911? Neither had a cell phone; one of them would have to enter the house."*

No matter how boring or technical your subject matter, writing so that your readers feel involved makes it more likely that they will want to decide in your favor or side with your client.

Considerations as broad as the point of view from which your client's situation will be described, to those as narrow as word choice in laying out legal rules, can be used to involve your readers and to lead them to water while making them think they have chosen to drink.

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