

## Lawyers Are Professional Writers

By Wayne Schiess | Texas Law | Legalwriting.net

For three main reasons, you, as a lawyer, are a professional writer.

Lawyers are paid to write. That takes you out of amateur status. And most of us don't write a little; we write a lot. I remember when I began working at a law firm that I was surprised at how much writing there was. "Gosh," I thought. "Why didn't anyone tell me I was going to be doing so much writing?" If writing is a significant part of your job, you're a professional writer.

Lawyers' writing deals with complex topics and affects rights, money, and liberty. Usually, there's a lot riding on your writing: your client's money, your client's rights and, in the criminal setting, your client's liberty or even life. If writing with that kind of pressure weren't enough, there's the complexity of the subject matter. The law is complicated, and writing about complex topics with a lot at stake is demanding work. Grasping the complex subject matter and writing about it effectively are the hallmarks of a professional writer.

Lawyers' written work is subject to serious scrutiny. Legal writing gets scrutinized and criticized (not to mention satirized). Your legal documents can end up in front of multiple audiences, and each has a chance to evaluate your writing. Your supervisor, who can hire and fire, promote and demote, gets to inspect your writing. Opposing counsel gets paid to find your mistakes—sort of a professional writing critic. Your client, the one paying you to write, can examine your writing, of course. And in litigation the judge is, well, judging it. Writing facing that much scrutiny is professional writing.

Convinced? I hope so. If not, go read *The Lawyer's Guide to Writing Well*, by Goldstein and Lieberman. It convinced me lawyers are professional writers. Once you're convinced, you can take some steps to act like a professional writer. That idea is a theme of *The Lawyer's Guide to Writing Well*: lawyers are professional writers, and they should act like it.

Professional writers consult writing references, and lawyers should, too. I recommend *The Redbook*, by Garner, but there are others: *Just Writing* by Oates and Enquist and the

Texas Law Review *Manual on Usage & Style*. Once you've started using a writing reference, try to get others to do it. Having a reliable and consistent source for answering writing questions will raise the writing IQ of everyone in your office.

Professional writers continue to learn. For lawyers, that could mean attending a legal-writing CLE. Better yet, you could volunteer to present a legal-writing CLE. A great way to improve your writing knowledge is to write a paper about legal writing and then teach a class about it. Continuing to learn could also mean reading books about writing. Here are two gems: *On Writing Well* by William Zinsser and *Legal Writing: Sense and Nonsense* by David Mellinkoff.

Professional writers use editors, and lawyers need them too. You have several options, from more expensive to less expensive. You could hire an in-house editor or writing specialist (expensive). You could have every lawyer in the office attend training on copy editing (moderate). Or you could ask a trusted colleague to edit your writing (less expensive). Whatever you do, remember what professional writers know: bad writing becomes good and good writing becomes great only by editing.

Here's one more idea: start a writing group. Select or invite a group of lawyers to meet over lunch once a week to discuss good writing. Have everyone take a turn offering a document for the group to read in advance and then discuss at the meeting. You'll get two benefits: the writing IQ of everyone in the group is bound to increase, and you'll learn that accepting constructive feedback is a great way to improve your writing.

And improving is part of being a professional writer.