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Drafting Pleadings, Affidavits, and Briefs: What You Need to Know (and a Few Things You Should Know)

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DRAFTING PLEADINGS, AFFIDAVITS, AND BRIEFS: WHAT YOU NEED TO KNOW
(AND A FEW THINGS YOU SHOULD KNOW)

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INTRODUCTION

This paper is about legal writing.

First, I will discuss good legal writing generally. Next, I will discuss drafting 3 types of documents: pleadings, affidavits, and briefs. Last, I will summarize with a legal writing dos and don'ts chart.

The purpose of this paper is to:

1. Explain the formal requirements of pleadings, affidavits, and briefs (i.e. requirements under the *Rules of Court* and Practice Notes).
2. Give you suggestions to improve your legal writing.

GOOD LEGAL WRITING

You may not have ever thought of lawyers (or paralegals) as writers, but we are. We are writers. **Our job is to communicate and persuade.** Often this communication is in writing, making good legal writing an essential part of being a good lawyer (or paralegal).

The overarching rule of thumb to good legal writing is: **consider your reader.**¹ Readability is the key. Your goal is to write something that is easy to read.

Good legal writing:

- is clear and concise
- is well organized
- the issue is identified at the outset
- is interesting to read
- contains signposts for the reader
- the style is suited to the audience (the most important audience is the court)
- uses proper grammar and punctuation

¹ Michele M. Asprey, *Plain Language for Lawyers*, 4th ed. (Annadale, NSW: The Federation Press, 2010) (after this "*Plain Language*") at p. 90.