

Writing Tips as Shared by Webinar Viewers

- I have a non-lawyer, with considerable editing experience, to read and criticize and edit.
- Read your writing from back to front. It prevents you from skipping over mistakes, and makes them easier to spot.
- After a few edits, I try reading the factum aloud. I find it helps clarify which parts seem awkward and which are clear.
- Spend time refining in point form the overview topics and main ideas for each topic.
- Where not constrained by privilege, I have my mother read the argument to see if she understands it. Otherwise, read the argument out loud.
- Aim for shorter sentences. If you're using a lot of commas, your writing may be too complicated. I say this as a person who loves commas!
- I edit my writing several times. Once for substance, once for structure, once for proofreading, etc. I will often pick an issue (i.e., – is everything point first?) and do separate edits for each issue.
- I often catch myself having issues with syntax and wordiness. I find reading my writing out loud helps in finding the errors and weaknesses in my writing.
- Look for short commonly understood illustrations. Try and express the illustration in one sentence, i.e., this case is like ...
- A lawyer I have juniored for several years has, as a cardinal rule for writing his factums, that no sentence should be longer than 2 ½ sentences unless it is “gold”. In my time working with him, the only sentences that have qualified for the gold standard have been those he drafted.
- I used the HEADING function in word to draft my outline. Then fill it in. I spend a lot of time on the outline/headings before actually filling it in with content. My version of point first ...
- If you understand your subject, your writing will be clear. Lengthy, rambling sentences are a sure sign you don't have a good grasp of your subject.
- I learned that good writing is re-writing. So, when I have extra time after the factum is basically finished, I try to work on each sentence, one at a time, and ask myself which words I can take out or change to make the sentence shorter.
- Read your text out loud to yourself.
- Search for keywords or phrases after you are done, to count how many times a point or phrase is emphasized.
- Write a five word summary of your argument.

- I often catch more errors when I review on paper vs on the screen.
- Writing should make it easy for the reader to read. Lawyers can be so focused on expressing themselves that they don't realize how tedious their writing can be.
- Microsoft Word has a "read text" option – I've caught multiple errors through this feature, and it gives you a sense for how it all "flows".
- Factums and legal writing should follow Mark Twain. "I would have written you a short letter but I did not have time so I wrote you a long one".
- The best advice I received on writing was from my father. He told me, "speak well and write as you speak".
- A long time ago, a lawyer (who was then very senior to me) told me that: "If you can't write, you can't think".
- Readability check in Word is also helpful for plain language.
- To the extent possible, research your audience.
- Write using detailed navigation or structure. You can always edit this out or make it more interesting.
- I have found it helpful not to write the factum from first page to last. Usually I start with the order sought at the end, and then work backwards from there. Often the opening is the last thing I write once I have a better feel for the factum and the appeal as a whole.
- The elevator test: If you only had a few minutes to summarize your argument to someone unfamiliar with it.
- If possible, do not submit your written material the same day you complete your first draft. Wait for a day or two before submitting, as this time period allows you to re-read and re-write phrases and sentences, making your argument better presented.
- When editing, be ruthlessly willing to 'let go', even of whole sections of your writing that you actually like. If it's difficult, then cut and paste them into a separate document so that the removed sentences are still 'there' in case you want to go back to them. Usually, you won't need or want to but it can help you to let go.
- App recommendations: Hemmingway and Grammarly. Tip for using Grammarly: set the language to English Canadian before beginning.