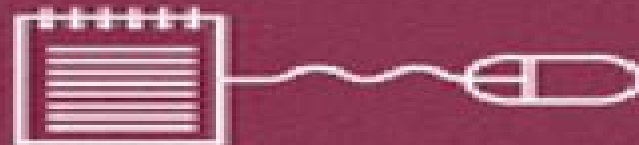


Modern Legal Drafting

A Guide to Using Clearer Language



Second Edition

Peter Butt & Richard Castle

Modern Legal Drafting Modern Legal Drafting

Wolfgang Guggemos



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Modern Legal Drafting Peter Butt, Richard Castle, 2006-10-23 In the second edition of this highly regarded text the authors show how and why traditional legal language has developed the peculiar characteristics that make legal documents inaccessible to the end users Incorporating recent research and case law the book provides a critical examination of case law and the rules of interpretation Detailed case studies illustrate how obtuse or outdated words phrases and concepts can be rewritten reworked or removed altogether Particularly useful is the step by step guide to drafting in the modern style using examples from four types of common legal documents leases company constitutions wills and conveyances Readers will gain an appreciation of the historical influences on drafting practice and the use of legal terminology They will learn about the current moves to reform legal language and receive clear instruction on how to make their writing clearer and their legal documents more useful

Modern Legal Drafting Peter Butt, 2013-05-31 Modern Legal Drafting provides a comprehensive authoritative guide to drafting legal documents in effective plain English Peter Butt a leading expert in the field has fully revised and updated the text for this new edition It combines a practical focus with the legal principles that underpin the use of plain language in law This dual practical and academic approach distinguishes it from other books in the field It includes expanded material on the techniques for achieving a style that is both clear and legally sound It also includes new material on the challenges and merits of drafting in plain language and provides many before and after examples to help both practising lawyers and students develop their skills It takes an international approach drawing upon case law and statutes from England Australia New Zealand the United States Canada Ireland India Malaysia Singapore and Hong Kong *The Modern Legal Philosophy Series...*, 1917

Legislative Drafting Aldo Zammit Borda, 2013-10-31 Legislative drafting is an extremely onerous exacting and highly skilled task What is clearly conceived in the mind may not be easily expressed with clarity and precision in words It is a highly technical discipline and one of the most vigorous forms of writing Few lawyers have the special combination of skills aptitudes and temperament necessary for a competent draftsman This book provides for the first time detailed commentary on legislative drafting with a specific focus on the Commonwealth covering the ethics of legislative drafting teaching training and retention of drafters the role of legislative drafting in good governance keeping the statute book up to date drafting by more than words the use of graphics labels and formulae in legislation and the particular challenges of drafting for small states It constitutes a key reference for legislative drafters parliamentary counsel and professionals involved in this field in the Commonwealth and beyond This book was based on a special issue of Commonwealth Law Bulletin

Legal Drafting: Do it Yourself H. L. Kumar, 2010

Modern Legal Drafting 2ed Peter Butt, 2007 In the second edition of this highly regarded text the authors show how and why traditional legal language has developed the peculiar characteristics that make legal documents inaccessible to the end users Incorporating recent research and case law the book provides a critical examination of case law and the rules of interpretation Detailed case

studies illustrate how obtuse or outdated words phrases and concepts can be rewritten reworked or removed altogether Particularly useful is the step by step guide to drafting in the modern style using examples from four types of common legal do Legal Writing in Plain English Bryan A. Garner, 2022-12-22 This easy to follow guide is useful both as a general course of instruction and as a targeted aid in solving particular legal writing problems Harvard Law Review Clear concise down to earth and powerful all too often legal writing embodies none of these qualities Its reputation for obscurity and needless legalese is widespread For more than twenty years Bryan A Garner s Legal Writing in Plain English has helped address this problem by providing lawyers judges paralegals law students and legal scholars with sound advice and practical tools for improving their written work The leading guide to clear writing in the field this indispensable volume encourages legal writers to challenge conventions and offers valuable insights into the writing process that will appeal to other professionals how to organize ideas create and refine prose and improve editing skills Accessible and witty Legal Writing in Plain English draws on real life writing samples that Garner has gathered through decades of teaching Trenchant advice covers all types of legal materials from analytical and persuasive writing to legal drafting and the book s principles are reinforced by sets of basic intermediate and advanced exercises in each section In this new edition Garner preserves the successful structure of the original while adjusting the content to make it even more classroom friendly He includes case examples from the past decade and addresses the widespread use of legal documents in electronic formats His book remains the standard guide for producing the jargon free language that clients demand and courts reward Those who are willing to approach the book systematically and to complete the exercises will see dramatic improvements in their writing Law Library Journal Legal Writing in Plain English, Third Edition Bryan A. Garner, 2023-09-06 The leading guide to clear writing StartFragment and clear thinking StartFragment in the legal profession for more than two decades now newly updated Admirably clear concise down to earth and powerful all too often legal writing embodies none of these qualities Its reputation for obscurity and needless legalese is widespread Since 2001 Bryan A Garner s Legal Writing in Plain English has helped address this problem by providing lawyers judges paralegals law students and legal scholars with sound advice and practical tools for improving their written work Now the leading guide to clear writing in the field this indispensable volume encourages legal writers to challenge conventions and offers valuable insights into the writing process how to organize ideas create and refine prose and improve editing skills Accessible and witty Legal Writing in Plain English draws on real life writing samples that Garner has gathered through decades of teaching experience Trenchant advice covers all types of legal materials from analytical and persuasive writing to legal drafting and the book s principles are reinforced by sets of basic intermediate and advanced exercises in each section For this third edition Garner has retained the structure of the previous versions with updates and new material throughout There are new sections on making your writing vivid and concrete and on using graphics to enhance your argument The coverage and examples of key topics such as achieving parallelism avoiding legalese writing

effective openers and summaries and weaving quotations into your text have also been expanded And the sample legal documents and exercises have been updated while newly added checklists provide quick summaries of each section Altogether this new edition will be the most useful yet for legal professionals and students seeking to improve their prose

Modern Statutory Interpretation Jeffrey Barnes, Jacinta Dharmananda, Eamonn Moran, 2023-01-10 Modern Statutory Interpretation is an original clear coherent and research based account of contemporary Australian statutory interpretation It provides a comprehensive coverage of statutory interpretation law legislative drafting the parliamentary process the modern history of interpretation sources of doubt and interpretation techniques

Learned Writing Chinua Asuzu, 2019-05-22 As lawyers we must not in hot pursuit of common law outrun common sense The dread of that eventuality prompted this book Learned Writing promotes common sense in legal language Plain language which is commonsensical broadens access to legal documents thus democratizing the law If democracy is government of the people by the people and for the people law is the language in which government interacts with the people it is the language of democracy The people whose government speaks through law must understand what is said No democratic society should brook legalese a dense verbose dialect known only to lawyers What then should society do to redress the lawyer induced obscurity A Shakespearean character had an alarming proposal The first thing we do let's kill all the lawyers Apparently that proposal was not enthusiastically endorsed which explains why we're still here A milder remedy enrolling lawyers in language classes has been muted which explains why this book is in your hands Learned Writing motivates lawyers to prefer plain language to the legalese and verbosity that have besmirched legal writing for centuries This book is as sweeping a treatment of its subject as you can find anywhere

Drafting Legislation Helen Xanthaki, 2014-10-16 This book constitutes the first thorough academic analysis of legislative drafting By placing the study of legislation and its principles within the paradigm of Flyvberg's phronetic social sciences it offers a novel approach which breaks the tradition of unimaginative past descriptive reiterations of drafting conventions Instead of prescribing rules for legislation it sets out to identify efficacy as the main aim of the actors in the policy legislative and drafting processes and effectiveness as the main goal in the drafting of legislation Through the prism of effectiveness as synonymous with legislative quality the book explores the stages of the drafting process guides the reader through structure and sections in their logical sequence and introduces rules for drafting preliminary substantive and final provisions Special provisions comparative legislative drafting and training for drafters complete this thorough analysis of the drafting of legislation as a tool for regulation Instead of teaching the reader which drafting rules prevail the book explores the reasons why drafting rules have come about thus encouraging readers to understand what goal is served by each rule and how each rule applies The book is aimed at academics and practitioners who draft or use statutory law in the common or civil law traditions

Handbook of Communication in the Legal Sphere Jacqueline Visconti, 2018-09-24 This volume explores communication and its implications on interpretation vagueness multilingualism and multiculturalism It investigates cross

cultural perspectives with original methods models and arguments emphasizing national EU and international perspectives Both traditional fields of investigations along with an emerging new field Legal Visual Studies are discussed Communication addresses the necessity of an ongoing interaction between jurilinguists and legal professionals This interaction requires persuasive convincing and acceptable reasons in justifying transparency visual analyses and dialogue with the relevant audience The book is divided into five complementary sections Professional Legal Communication Legal Language in a Multilingual and Multicultural Context Legal Communication in the Courtroom Laws on Language and Language Rights and Visualizing Legal Communication The book shows the diversity in the understanding and practicing of legal communication and paves the way to an interdisciplinary and cross cultural operation in our common understanding of legal communication This book is suitable for advanced students in Linguistics and Law and for academics and researchers working in the field of Language and Law and jurilinguists

The Party of the First Part Adam Freedman,2008-09-02 The Eats Shoots Leaves of legalese this witty narrative journey through the letter of the law exposes the simple laws lurking behind decorative unnecessary and confusing legal language

The Ashgate Handbook of Legal Translation Le Cheng,King Kui Sin,Wagner Anne,2016-04-01 This volume investigates advances in the field of legal translation both from a theoretical and practical perspective with professional and academic insights from leading experts in the field Part I of the collection focuses on the exploration of legal translatability from a theoretical angle Covering fundamental issues such as equivalence in legal translation approaches to legal translation and the interaction between judicial interpretation and legal translation the authors offer contributions from philosophical rhetorical terminological and lexicographical perspectives Part II focuses on the analysis of legal translation from a practical perspective among different jurisdictions such as China the EU and Japan offering multiple and pluralistic viewpoints This book presents a collection of studies in legal translation which not only provide the latest international research findings among academics and practitioners but also furnish us with a new approach to and new insights into the phenomena and nature of legal translation and legal transfer The collection provides an invaluable reference for researchers practitioners academics and students specialising in law and legal translation philosophy sociology linguistics and semiotics

Writing to Win Steven D. Stark,2012-04-24 From a master teacher and writer a fully revised and updated edition of the results oriented approach to legal writing that is clear that persuades and that WINS More than almost any profession the law has a deserved reputation for opaque jargon clogged writing Yet forceful writing is one of the most potent weapons of legal advocacy In this new edition of Writing to Win Steven D Stark a former lecturer on law at Harvard Law School who has inspired thousands of aspiring and practicing lawyers applies the universal principles of powerful vigorous prose to the job of making a legal case and winning it Writing to Win focuses on the writing of lawyers not judges and includes dozens of examples of effective and ineffective real life legal writing as well as compelling models drawn from advertising journalism and fiction It deals with the challenges lawyers face in writing from organization

to strengthening and editing prose offers incisive ways of improving arguments addresses litigation and technical writing in all its forms and covers the writing attorneys must perform in their daily practice from email memos to briefs and contracts Each chapter opens with a succinct set of rules for easy reference With new sections on client communication and drafting affidavits as well as updated material throughout Writing to Win is the most practical and efficacious legal writing manual available

Commonwealth Caribbean Law and Procedure Alina Kaczorowska-Ireland, Westmin James, 2019-07-26
Commonwealth Caribbean Law and Procedure The Referral Procedure under Article 214 RTC in the Light of EU and International Law is about the referral procedure set out in Article 214 of the Revised Treaty of Chaguaramas RTC which Treaty established the Caribbean Community Single Market and Economy CSME Article 214 RTC bears clear parallels to Article 267 of the Treaty on the Functioning of the European Union TFEU the most important being that that both articles pursue the same objective i e they seek to ensure that CSME law and EU law respectively are uniformly applied in all Member States Although Article 214 RTC was inspired by and modelled on Article 267 TFEU it is not its exact replica The similarities and differences between Article 214 RTC and Article 267 TFEU are critically assessed in this book Also the book Examines how Article 214 RTC operates in the Caribbean context how it interacts with other provisions of the RTC and how it fits into the various national legal systems of the Member States of the CSME Explores possible reasons why so far national courts of the Member States of the CSME have not made any referrals to the Caribbean Court of Justice CCJ Puts Article 214 RTC in a comparative perspective in particular the book compares and contrasts it with Article 267 TFEU Examines some of the aspects of Article 214 RTC in the light of public international law bearing in mind that under Article 217 1 RTC the CCJ is required when exercising its original jurisdiction under Article 211 RTC to apply such rules of international law as may be applicable This is to ensure that the CCJ will not bring in a finding of non liquet on the ground of silence or obscurity of CSME law which Article 217 2 RTC expressly prohibits This book will be of interest to academics and students studying CSME law EU law and comparative law as well as judges lawyers and governmental and non governmental organizations from the Caribbean region

The Lawyer's Style Guide Peter Butt, 2021-02-25 Clarity and precision in legal writing are essential skills in the practice and study of law This book offers a straightforward practical guide to effective legal style from a world leading expert The book is thoughtfully structured to explain the elements of good legal writing and its most effective use It catalogues all aspects of legal style topic by topic phrase by phrase usage by usage It scrutinises them all suggesting improvements Its dictionary arrangement makes it easy to navigate Entries cover matters such as abbreviations acronyms active and passive voice brackets bullet points citation methods cross referencing fonts document design footnotes gender neutral language numbering systems plain legal language punctuation the use of Latin in law structures for legal advices and documents and techniques for editing and proofreading Also covered are many words and phrases that non lawyers find opaque and obscure the aim being to show that lawyers can usually substitute a plain English equivalent that captures the

legal nuances of the legalese Other topics include ambiguity deeds definitions provisos recitals simplified outlines terms of art tone and the various principles of legal interpretation With an emphasis on technical effectiveness and understanding the book is required reading for all those engaged in the practice and study of law

Enhancing Legislative Drafting in the Commonwealth Helen Xanthaki, 2016-04-14 The quality of legislation within the Commonwealth is an essential element of democracy and the rule of law Although a neglected territory until recently the legislative drafting debate is at the forefront of academic and professional fora at a Commonwealth and at a national level This book brings to light the academic foundations of legislative quality and the many recent innovations deriving from Commonwealth jurisdictions This book was based on a special issue of the Commonwealth Law Bulletin

New Approach to Legal Translation Susan Sarcevic, Susan [ar?evi?, 1997-05-07 One of the first attempts to present a comprehensive study of legal translation this book is an interdisciplinary study in law and translation theory It is not bound to any specific languages or legal systems although emphasis is placed on translation between common law and civil law jurisdictions The main focus is on the translation of texts which are authoritative sources of the law examples are cited primarily from statutes codes and constitutions Canada Switzerland and Belgium as well as instruments of the European Union and international treaties and conventions Dealing with theoretical as well as practical aspects of the subject matter the author analyses legal translation as an act of communication in the mechanism of the law thus making it necessary to redefine the goal of legal translation This book is intended for both lawyers and linguists translation theorists legal translators and drafters legal lexicographers as well as teachers and students of translation

The Lawyer's Guide to Writing Well Tom Goldstein, Jethro K. Lieberman, 2003-01-13 This eminently practical volume demystifies legal writing outlines the causes and consequences of bad writing and prescribes straightforward easy to apply remedies that will make your writing readable Complete with usage notes that address lawyers most common errors this well organized book is both an invaluable tool for practicing lawyers and a sensible grounding for law students This much revised second edition contains a set of editing exercises and a suggested revision key with explanations to test your skill This book is a definitive guide to becoming a better writer and a better lawyer

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