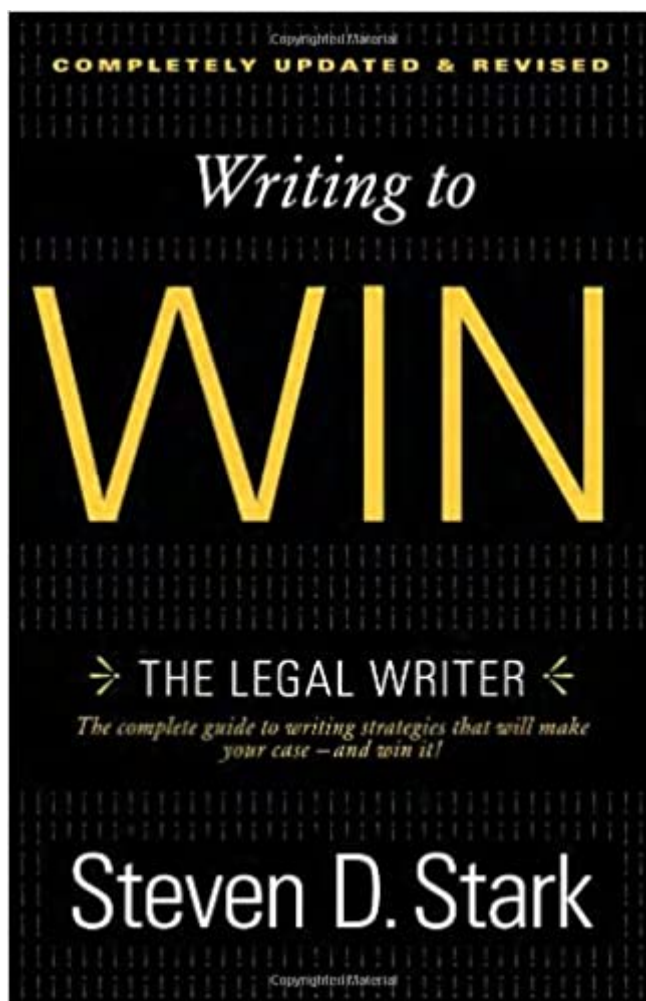


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# Writing To Win: The Legal Writer



## Synopsis

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.

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## Customer Reviews

Steven D. Stark is a former cultural commentator for CNN, National Public Radio, and the Voice of America. He has written frequently for the New York Times, the Los Angeles Times, the Atlantic Monthly, and both the Boston Globe where he was an op-ed columnist and the Montreal Gazette

where he was a world sports columnist. A former Lecturer on Law at Harvard Law School, he is a graduate of Harvard College and Yale Law School. His website is at [www.starkwriting.com](http://www.starkwriting.com)

Introduction  
Good writing is timeless. Except, of course, when it isn't. Periodically over the last ten years, I thought about revising my original book on legal and professional writing, *Writing to Win: The Legal Writer*. But as egocentric as it might seem, for a while I never found much I would change. Sure, some of the references marked the book as a product of a slightly earlier time—the references to the O. J. Simpson trial, Kenneth Starr, or vice-president Al Gore. But for the most part, the book seemed to illustrate the maxim that the principles of good writing don't change all that much over time. A good brief in 1965 is much less in the late 1990s when the book was written—is still a good brief today. Ditto for complaint writing, contracts, and even judicial opinions. And yet: In a variety of ways, writing in many parts of the legal and business worlds has changed more since that book was written about a decade ago than in any comparable period over the last five centuries. As We shape our tools and then our tools shape us, wrote the media theorist Marshall McLuhan a generation ago. Technological changes transform not only the methods of communication but their style as well. The invention of the printing press centuries ago not only altered the dissemination of information in Western cultures, it changed the way people spoke and the way they wrote—and there were constant complaints about it then, just like now. In our time, of course, the recent development of computers, the Internet, and then smart phones (and all their manifestations, such as the iPad) has begun to do much the same thing. It's undeniable that writing within the office and for clients is dramatically different than it was a decade ago. Whether we recognize it or not, that means that legal analysis and the ways we approach business problems have shifted as well. These revolutionary changes are one of the subjects of this new edition of the book. In part, that makes this volume a primer on how to communicate successfully in this brave new world. Writing effective e-mails and shorter memos are skills very much at odds with the tools we acquire in school—where the goal is usually to be expansive and detailed as we display our knowledge in all its minutiae. These new forms of communication are also very different from the written and oral tools one needed to master to be a good lawyer or executive, circa 1990 and before. Yet it's not just these new forms one needs to master. Litigation and contract writing may not have begun to change much since the rise of e-culture. But they will, since it is inevitable that these documents will also be read differently as the years pass, as will even judicial opinions. Some courts now require e-filings. Justices Antonin Scalia and Elena Kagan read briefs on either an iPad or a Kindle, and they will soon be joined by many

others. It means, too, that a lawyer's role and habits of mind will change as they have begun to do already. If the Internet, Twitter, and Facebook are altering the way we do our jobs and how well we do them, they're changing the way we think as well. It was Professor Kingsfield in *The Paper Chase* who kept dwelling on the importance of "thinking like a lawyer." How that's changed at the beginning of the twenty-first century because of these technological shifts is the subject of this new edition too. Perhaps unsurprisingly, this new focus reinforces many of the fundamental principles that writing teachers and books (including my previous volume) have been stressing for decades: "use strong verbs or be concise" though the rationales for doing so have changed somewhat. Yet other suggestions are novel, as one might expect at the dawn of a new epoch. This updated edition also has an increased spotlight on creative writing as it relates to the presentation of facts and argument, as well as a new section on how affidavits need to be better drafted so that they reflect the true voice of the person they are supposed to represent. And, throughout the text, there are new ideas and examples of both what to do and avoid. There is an old Chinese curse: May you live in interesting times. Whether it's a curse or not, we live in just such an era. So let's begin to figure out how to adapt "the sooner the better."

"Remember that most writing difficulties are organizational difficulties." This is one of the opening statements in the main text of the book, and how true that is! Many of the suggestions in this book are well known to professional writers, whether lawyers, planners, analysts or military staff officers, such as to start by writing your conclusions. However, the author puts them all together in a concise and fresh package. It is useful even if one has learnt these things to be reminded of them. Some of the text is specific to lawyers, such as "Six elements to remember when composing affidavits". You do not have to know what an affidavit is to find this useful if you ever have to take notes in a meeting. Some of the advice may be a matter of opinion, such as to write in always in the second person rather than the third, because this "makes prose easier for a reader to absorb." But whether or not you agree with this postmodern style, such sweeping statements don't affect the value of this book to you. (Of course there are other readers who find that being told how they think and feel makes prose harder to absorb, but there you go. And we shall not put too much effort into pointing out that the author did not write "makes prose easier for you to absorb.") In short, money well spent, and it's already helped me improve my writing today of a training film script. "EPICTETUS"

I am a newly minted attorney and I loved this book. Just the right amount of humor and examples to keep me interested. He also includes a good amount of information that could be applied relatively

quickly to my writing. Definitely a good read, and short enough to breeze through quickly. 5 stars.

Steven Stark's intended audience is lawyers and he attempts to lead them away from the pompous, bloated and overstuffed writing habits inculcated in the legal profession for centuries. Not being a lawyer, I can't authoritatively state whether Stark's book is helpful or not to lawyers who write poorly - but I can state with assurance that any attorney who misses Stark's point is dense, if not stupid. Stark's advice is not news to any technical, business or copy writer whose job is to evoke a specific and immediate response from their audience. Mail order copywriters (today called "direct response") have known for more than a century that they had but one fleeting chance to capture the attention of their intended audience and then had to keep it through the sheer power and - yes - artistry of their writing. If you compare the points Stark makes with those of the great ad copywriters Caples, Kennedy and Schwab, you'll see they are almost identical. Stark's adaptation of these points of effective writing is often amusing and to the layperson and definitely instructive. In fact, I would suggest this book to businesspeople who retain lawyers as a way to judge their effectiveness. After all, if your lawyer can't write a document you can understand, how do you expect them to write one that will convince a judge? One example of Stark's approach is his instruction that "[b]efore you begin writing, ask yourself "What's the big idea?". This is no different than advertising great Rosser Reeves's pushing marketers to find the USP - the Unique Selling Proposition. And, in fact, I had to laugh because that thought struck me as soon as I read Stark's line quoted above - and in the following line, Stark cites Rosser Reeves and the USP. I could go on for a long time praising this book. It is an insight into legal thinking, good and bad. It is a book on effective argumentation in any area. It is a book about writing well and convincingly. Lawyer or layperson, if you'd like to make your writing more effective in terms of persuading people to adopt your ideas, this is an excellent book and a thoroughly enjoyable read. Jerry

This book lays out in a step by step, well written way how to write clearly and so you'll be easily understood while not sacrificing quality of work. It's a must read for paralegals looking to improve their writing skills.

Geared towards legal documents, the principles can be applied to many forms of persuasive writing. The format is easy to read and broken down into subjects, so you can quickly turn to an area you need to focus on, read it, then put the information to immediate use.

I enjoyed reading this and got a lot from it. For me the price was reasonable and it was well worth what I paid for it. Yes I recommend it.

The book was new as seller stated. The package arrived on time. The book is a good read. I would recommended this to my friends and family.

This book is great helpful and assist me to approach existing assignments with new vigor.

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