Chapter 8: The Legal Reader

A **legal reader** is a person who has received legal training. The most common type of legal reader we think of is a judge; other types of legal readers include attorneys, law professors, and law students. For your first year of law school, the types of documents you write are typically aimed at legal readers, and below we will discuss commonalities in legal readers that you should remember when you are writing. However, keep in mind that all audiences, and not just legal readers, value many of these same attributes when reading written works.

When a person reads legal writing, that person is most often looking for an answer to a legal issue. The writer’s focus, then, should be on providing a document that makes it as easy as possible for the reader to find what they are looking for. When the reader feels comfortable while reading something, they are more likely to give credibility to the author and assume that what the author (you!) is saying is correct.

Legal writing is a type of technical writing. Michael J. Higdon, The Legal Reader: An Exposé, 43 N.M. L. Rev. 77, 80 (2013). Higdon describes ten attributes that define technical writing, listed below:

1. Pertains to a technical subject
2. Has a purpose
3. Has an objective
4. Conveys information/facts/data
5. Impersonal
6. Concise
7. Directed
8. Performed with particular style and in a particular format
9. Archival
10. Cites contributions of others

Id. This list also describes what your legal reader is looking for when reading your work. You should keep these attributes in mind when you are writing and endeavor to include all of them in your finished product.

Now that we have defined a legal reader and their expectations when reading your work, let us now look at how to describe the legal reader.

Remember that a legal reader is looking for an answer, which means that you should present your information quickly and easily. In fact, you should state the answer to the legal issue at the beginning and then use the rest of the document to support *why* your answer is correct. Legal writing is not a mystery novel and it is not stand-up comedy, so do not save the identity of the murderer or the punchline until the end of the document.

A legal reader looks for a roadmap at the beginning of a written document. By knowing how the information is going to be presented and in what order, the reader can better follow along with your supporting evidence you provide to back up your answer to the legal issue. Sometimes, a reader will want to skip to a particular section, and the roadmap lets the reader know where in the paper to look for a specific part. Of course, you will have to be sure to follow the roadmap you provide as you move through your writing!

Your overall document should be organized by using conventional legal writing structures, should employ transitions and connectors as you move from step to step, and should use headings and subheadings when they make it simpler for the reader to navigate the document. Additionally, your language should be clear and accessible. This means you should not have grammar errors or typos; you should have strong topic sentences to introduce the ideas in each of your paragraphs; and your sentences should flow easily from one to the next.

Here come the tougher parts about a legal reader. Because the reader is looking for an answer, they want to get to the answer quickly and find the answer during the first (and maybe only) time reading your paper. This has nothing to do with you or not valuing your work. Rather, the reader is using your writing as a tool, and a tool works best when it can be used quickly and efficiently and then put away. This is one of the hardest transitions for students to make. No longer is your writing intended to awe the reader with the novelty of your ideas and the fluidity of your prose. The reader will not sit down with a cup of coffee in hand and curl up to read your riveting discussion on the thin-skulled plaintiff. Think about how you read your cases for class: you are reading them to understand the concepts, to be able to answer correctly in a cold-call, and to perform well on the exam. The reader of your legal document feels the same when reading your work.

A legal reader also is not likely going to give you the benefit of the doubt. The reader will look for holes in your argument. The reader will also approach your writing with skepticism. Again, this has nothing to do with passing judgment on you as a person. The reader’s legal training means testing the conclusions and supporting evidence to determine the soundness of the argument.

# Conclusion

Understanding the characteristics of a legal reader allows you to write a document that your audience finds usable. Further, by providing the legal reader what they seek, you increase your credibility with the reader. When the reader can use your work and believes in your credibility, they are more likely to agree with your position.

# For Further Reading

Michael J. Higdon, The Legal Reader: An Expose, 43 N.M. L. Rev. 77 (2013).

Bryan A. Garner, Know Thy Reader: Writing for the Legal Audience, Mich. B.J., Nov. 2019, at 46.

Ross Guberman, Judges Speaking Softly What They Long for When They Read, Litigation, Summer 2018, at 48.

Ann Sinsheimer & David J. Herring, Lawyers at Work: A Study of the Reading, Writing, and Communication Practices of Legal Professionals, 21 Legal Writing: J. Legal Writing Inst. 63 (2016).

Andrew M. Carter, The Reader's Limited Capacity A Working-Memory Theory for Legal Writers, 11 Legal Comm. & Rhetoric: JALWD 31 (2014).

Laura A. Webb Why Legal Writers Should Think like Teachers, 67 J. Legal Educ. 315 (2017).

Joe Fore, Why You Should Sweat the Small Stuff: Encourage Students to Eliminate Brown MMs from their Legal Writing, 25 No. 1 Persp: Teaching Legal Res. & Writing 18 (2016).