Chapter 11: Predictive Writing

**Predictive writing**, also known as objective writing, consists of using rule synthesis and case synthesis to analyze a specific factual situation and forecast what the likely outcome will be. The most common types of predictive writing that lawyers produce include formal legal memoranda, e-mail memoranda, and client letters. When completing this type of writing, you are serving in an advisory role to assist someone, such as your supervisor or client, in making the best decision possible.

You should keep your client’s interests in mind by still being honest about the likelihood of a favorable result. Predictive writing must convey if something is uncertain or unknown, remain accurate as to what the state of the law is on the particular topic, and disclose both strengths and weaknesses of the case. Unlike persuasive writing, the goal of predictive writing is not to convince your audience that your argument is correct. Instead, you are writing an informed prediction of the outcome of the case based on your research. As with all types of legal writing, you should write clearly, concisely, and precisely.

When you are predicting how likely it is that a particular outcome will occur, remember that you are serving as an advisor. While you are sharing your opinion about the likelihood of possible outcomes, you should not share your opinions on the facts or the case law unless it directly ties into your ultimate conclusion. We will practice this! Some of you will like this type of writing, and some of you will prefer persuasive writing. Whether you enjoy writing predictively should not influence your ability to produce an objective piece of writing when that is what the assignment requires.

# Conclusion

Predictive writing is one of the primary forms of analysis and writing that lawyers perform. Remember that when you are asked to complete a predictive writing task, you are not assuming what the ending will be and are instead following the path on which the law takes you to reach a conclusion.