

Summer Associates: The 5 Biggest Writing Mistakes

by
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Your firm will be closely examining the quality of your work this summer, especially your written work. In my 20+ years presenting writing skills workshops at law firms around the country, I've seen the mistakes some summer associates make—mistakes you can avoid.

1. Not asking enough questions

When you get an assignment, make sure you know what's expected of you. To do a good job, it will be helpful if you have answers to these questions:

When is the assignment due? How much time should you be spending on it?

How does the assigning lawyer want you to communicate your final product—discussion, email, written document?

What are you being asked to prepare? A memo? A brief email response? Draft contract language? A draft brief or a draft opinion letter? A practice development piece for the firm's website?

If you're writing a memo, what is the purpose of the memo? What will the assigning lawyer do with it?

What is the required scope of your research? What is the applicable jurisdiction, if any?

Is there a particular format the assigning lawyer prefers? Is there a model or example you should look at?

How long should your final product be?

How does this assignment fit into the larger picture?

You may not be able to get answers to all of these questions from the assigning lawyer. He or she may not be available, and your emails may not always be answered promptly. Find another way to learn what you need to know. Talk to another lawyer on the team, read the files, or perhaps find someone else at the firm who can help answer your questions.

2. Not communicating enough

If you are not going to meet a deadline, let the assigning lawyer know as soon as possible. That way, other arrangements can be made, if necessary, to complete the work.

It's probably a good idea to check in after you've done some research to make sure that you are on the right track, especially if you are unsure about the direction of your research. Also, check back with the assigning lawyer if your research turns up something unexpected.

3. Not getting to the point

Your writing should be concise and to the point. This isn't the place for long-winded discussions.

Let your reader know where you are going at the start and throughout your writing. An introductory summary orients the reader quickly; headings help the reader understand your organization.

If there are no applicable cases in your jurisdiction but some useful cases in another state, say that up front: "There are no cases on this issue in California, but two cases in Kansas are instructive."

If you're writing a memo, set out the question and then answer it. Don't wait until the end of your memo for the conclusion. This isn't law school. Structuring your memo using IRAC is not expected (or advisable).

As you do research this summer, you will find that often there is no clear law on the issue you are researching. The cases conflict, but you still need to provide the assigning lawyer with an answer. Set out all the necessary information and discuss the relevant cases. Then come to a conclusion: What would a court be likely to decide? How should the assigning lawyer advise the client? Qualify your conclusion as necessary and add, as appropriate, the arguments on your client's side and the likely opposing arguments.

4. Not being careful enough

Sweat the small stuff. Everything you submit should be error free—no typos, no grammatical mistakes, no punctuation mistakes, no citation mistakes. Typos and other mistakes send a message that you are not careful—and that's not a message you want to be sending. Demonstrate your attention to detail so that the assigning lawyers know they can rely on you.

It is not the assigning lawyer's job to find and correct your typos and other mistakes. Make sure everything you submit is perfect (even if you've been asked to prepare a "quick and dirty" draft).

5. Not learning from your summer writing experience

Use your summer experience to improve your writing skills. Take advantage of any writing programs your firm offers. Be open to suggestions about your writing. Seek out feedback about your work.

In law school, your writing assignments are graded and sometimes marked up. At your law firm, your writing projects will be judged but of course you won't get grades. You may not hear much about your writing until the mid-summer review.

Sometimes you'll be lucky and you'll receive immediate feedback: The assigning lawyer will mark up your document and send it back to you to put in the changes. You may not feel lucky as you see page after page filled with red ink. It can be discouraging, but that marked-up document provides you with an opportunity to improve your writing. Find some time to review it. You can often learn a lot by looking at the editing changes and figuring out why they were made.

About the Author:

Marilyn Bush LeLeiko conducts CLE workshops in writing skills for lawyers and paralegals. During the summer, she conducts workshops for summer associates. Marilyn also conducts Effective Email programs for lawyers, law office managers and staff. She has presented her programs at law firms, corporate legal departments, and government law offices throughout the country. To learn more, visit LawWriting.com.