

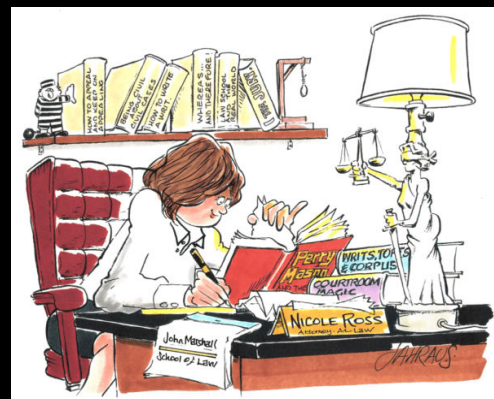
# DRAFTING EFFECTIVE LETTERS AND SUBMISSIONS TO THE DEPARTMENT AND AAT

(PROFESSIONAL SKILLS)

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6 St James' Hall Chambers  
Legalwise Seminar June 2022

## SOME RESOURCES

- Bryan Garner, *Legal Writing in Plain English*
- Michele M Asprey, *Plain Language for Lawyers*
- William Zinsser, *On Writing Well*
- Roy Peter Clark, *Writing Tools: 50 Essential Strategies for Every Writer*
- H W Fowler, *A Dictionary of Modern English Usage*
- Theodore M Bernstein, *The Careful Writer*
- Strunk & White, *Elements of Style*



## THE VALUE OF EDITING

It is not necessary that an investment adviser's compensation be paid directly by the person receiving investment advisory services, but only that the investment adviser receive compensation from some source for his or her services.

OR

Although the investment adviser must be paid, the source of the payment does not matter.

## SEMINAR CONTENTS

- Essential elements of content & style
- Tips to persuade
- Critical analysis of examples



## ESSENTIAL ELEMENTS OF CONTENT AND STYLE



- What is an effective letter/submission ?
- Essential elements of content
- Essential elements of style

## MEASURING EFFECTIVENESS # 1

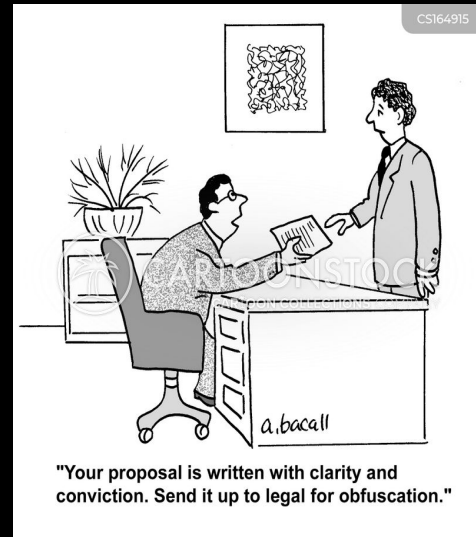
- A successful outcome
- Maintaining communication channels
- Establishing a productive relationship
- Promoting your reputation as:
  - An organised person
  - A clear thinker
  - Having an authoritative opinion



## MEASURING EFFECTIVENESS #2

Desirable features of readability:

- Clarity
- Fast/skim reading
- Impact
- Interesting



## MEASURING EFFECTIVENESS #3

The primary appeal of language is to the ear

- Good writing = heightened and polished speech
- Write as you talk - how does your writing sound ?
- Aim:
  - Natural: if you wouldn't say it, then don't write it.
  - Relaxed: sincere, genuine, honest = credible
  - confident

Effective writing requires hard work:

"What is written without effort is in general read without pleasure."

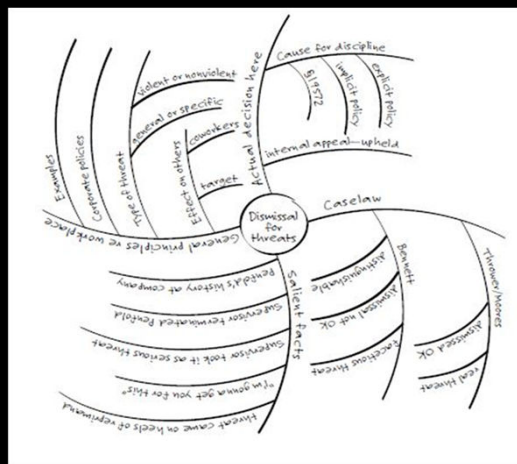
(Samuel Johnson, dictionary writer)

# ESSENTIAL CONTENT # 1

- Plan: think your points through
- Process: Madman, Architect, Carpenter, Judge
- Prepare a non-linear outline – the whirlybird
- Framing your thoughts:
  - Order material logically
  - Present facts chronologically
  - Locate related material together
  - Provide only relevant information
- Section – use informative headings



# A WHIRLYBIRD



## ESSENTIAL CONTENT #2

Three parts:

- A proper opener:
  - Provide an up-front executive summary
  - Precis: question, answer, reasons – clarifies thinking
  - Get points across quickly
  - Identifies essential issues
- A satisfactory middle:
  - Present orderly ideas/focused arguments
- A strong closing
  - Summarise without overparticularising
  - Suggest action

## ESSENTIAL CONTENT # 3

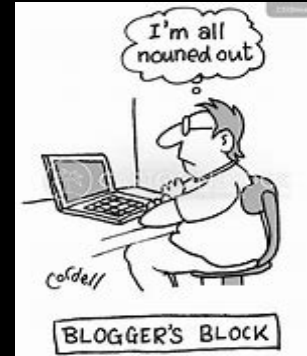
Document design:

- A readable typeface: eg Times New Roman, Palatino, Garamond, Caslon
- Ample and meaningful white space eg lists, bullet points
- Emphasize with care and variety:
  - DON'T USE ALL CAPITALS and Avoid Initial Capitals
  - Selectively use bold font or boxed text
- Table of contents for long (6 pages +) documents
  - Assess soundness of structure

## ESSENTIAL STYLE #1

### Choosing Words:

- Refrain from legalese:
  - Use only necessary legal jargon
  - Prefer everyday words
- Simplicity without oversimplification
- Turn -ion words into verbs eg  
“conduct an examination of” –  
“examine” is less abstract
- Refer to people and companies by name (avoid eg the appellant)
- Minimise acronyms

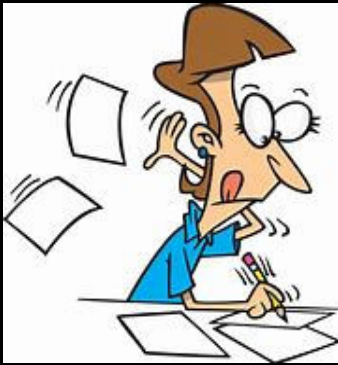


## ESSENTIAL STYLE #2

- Phrasing sentences:
  - Omit needless words
  - Average length = 20 words
  - Subject, verb and object at the beginning
  - Prefer active over passive
  - Avoid multiple negatives
  - Use correct punctuation
  - End sentences emphatically



## ESSENTIAL STYLE #3



Which sentence has a greater impact ?

- (i) Melinda Jackson died three weeks later in Sydney, Australia.
- (ii) Melinda Jackson died in Sydney, Australia, three weeks later.
- (iii) Three weeks later, in Sydney, Australia, Melinda Jackson died.

Make conscious choices about which fact(s) to stress

## ESSENTIAL STYLE #4

Constructing paragraphs:

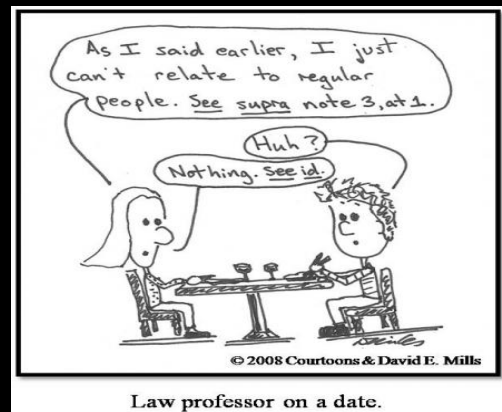
- Introductory topic sentences – provides cohesive content
- Supply smooth transitions:
  - Bridge paragraphs with a pointing word, connective word or echo link
- Keep paras short (150 words or 3-8 sentences) but vary length
- Use signposts (eg headings, list of issues)
- Citations & references located in footnotes



## ESSENTIAL STYLE #5

### Quotations

- Be selective
- Weave deftly into your narrative
- Use an accurate lead-in (eg assert something + supporting quotation)



## TIPS TO PERSUADE # 1

### Organise your points/arguments:

- More important first then descending order
- Broadly applicable before narrowly applicable
- Rules before exceptions



## TIPS TO PERSUADE #2



Goal: convincing reading

Counter-arguments:

- Directly address
  - in the middle of your argument
- Don't over-describe
  - provide a swift and immediate under-cut

## TIPS TO PERSUADE #3

Structure:

Legal/factual premise

Conclusion

Possible objection

Answer to objection

Another possible objection

Answer to objection

Further point in support

Clincher



## CRITICAL ANALYSIS OF SOME EXAMPLES



As per the accompanying pdf document

## CONTINUOUS IMPROVEMENT

- Embrace constructive criticism
- Edit yourself systematically before submission
- Habitually assess your preferences as a reader

Good writing makes the reader's job easy; bad writing makes it hard



The writer: Someone who spends a lifetime in solitude for the sake of communication.



COMMENTS,  
QUESTIONS OR  
SUGGESTIONS ?

THANK YOU FOR YOUR ATTENTION



& happy writing !

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