



Lee Burgess: Welcome back to the Law School Toolbox podcast. Today we have the first in a two-part series on legal writing in the workplace. Our first episode is going to focus on objective writing, specifically memos and emails. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form](#) on LawSchoolToolBox.com, and we'd love to hear from you. And with that, let's get started.

This is Lee from the Law School Toolbox. Today we are discussing legal writing in the workplace and in the classroom. This episode is going to focus on objective legal writing and some best practices for office communications. Next time we will be discussing persuasive legal writing. So Alison, do you remember some of your first writing assignments as a summer associate or new associate?

Alison Monahan: I kind of do. I have to say they're a little vague at this point. But I do recall being asked to do things such as go research something really quickly and write it up. The biggest writing assignment I remember was actually when I was a 2L and ended up writing an amicus brief to the second circuit. So that was pretty exciting.

Lee Burgess: That's a pretty big deal.

Alison Monahan: Yeah, kind of a big deal. So that occupied a lot of my time. But yeah, the first ones I feel like were kind of short. I don't know. How about you?

Lee Burgess: I definitely had some of those, I don't know, research assignments where you're just going fishing. Like, they don't really want to pay a real associate to go do the work.

Alison Monahan: Exactly.

Lee Burgess: So, I definitely remember those. And then when I first started practicing, we were doing corporate defense, and I was in charge of all those motions in limine that would come in for the litigation. And some of them were just terribly written. And I was just writing response after response after response. And then when I was on a trial team, we did have to write a lot of really important emails, because our job was to sit in the office and we would get BlackBerry texts from the courtroom being like, "We need an answer in the next hour." And then all of



us would go frantically research and send our responses. So, it definitely showed me how powerful email can be in the legal writing context as well.

Alison Monahan: Yeah, once I was an actual associate, I definitely recall doing a lot of responses to requests for discovery and things. I don't remember. I just remember they are very formulaic and you're just like, "What in the world?" And then finally someone tells you, "Oh, we have samples for all of this, just go and pull those. It's what we always say." And you're like, "Oh, right. Okay, that made that way easier."

Lee Burgess: Yeah, you don't have to reinvent the wheel for a lot of this stuff. And that's one of the things we're going to talk about today. But a lot of these documents and these assignments we're going to talk about really are what you're going to see as a summer associate or a new associate. And you may have had a sampling of this as part of your legal writing, but...

Alison Monahan: Hopefully.

Lee Burgess: Yeah, hopefully your school is doing a good job teaching legal writing. But you do want to think about how it can be slightly different in the work context, which is why we're specifically talking about that today. So, to get things kicked off, let's just think about when communicating in legal writing, the overarching goal is to just communicate your legal analysis to the audience. I feel like I'm talking about the bar exam – legal analysis, always the most important part, but it is when you're working too. And this is known as "writing like a lawyer" – taking the facts, choosing the relevant law, analyzing how the law applies to the facts, and reaching a conclusion. This should feel very familiar to you.

Alison Monahan: It should. I actually had an interesting conversation yesterday with a 1L who said they had gotten feedback that their writing was not legal writing, it was opinion, and they didn't quite know what that meant. And it's like, that's a great question because what we're talking about is exactly what you just said. What is the law? What are the facts? How do these apply? Draw your conclusion. That's different from, "I think that..." And when you're doing legal writing in the workplace – honestly, no one really cares what you think, unless you can back it up. And I think that can be a big adjustment for people.

Lee Burgess: Yeah, they just don't want you to pontificate about ideas. That's really not the idea. No.

Alison Monahan: Unless you're actively doing that. But generally speaking, if somebody says, "I need you to find out what the rule is on this", they don't want, "I think it should be based on policy reasons. That's great, but what is it?"



- Lee Burgess: What is it? Yeah, "What's my client paying me to tell them?" basically, is the answer. And I think it can be frustrating for students to make the adjustment of writing like a lawyer, especially if their background is something like journalism or English or any sort of industry where the writing is just very different. It's not focused on this analysis piece. It's just more focused on communicating and often storytelling. Legal writing is totally different to that, and you really have to work on this skill set. I think it could be a shock to folks who really consider themselves excellent writers, how hard it can be to do legal writing.
- Alison Monahan: Right. If somebody's a creative writer and then suddenly has to do this very formulaic, "Here's the rule, here are the facts of the case, and this is our best assessment of what the outcome is likely to be, based on the law and the facts" – that doesn't necessarily seem that interesting to a lot of people.
- Lee Burgess: No. Really, there's very little creativity in some of this, especially in your early years – you're not really as creative. Interestingly enough, science majors or folks who've worked in technical industries oftentimes have an easier time making this transition, because they are used to writing documents to explain data and kind of showing their work. And I think that is a lot more similar to legal writing, which I think confuses a lot of folks. I tell you, those science and technology majors that show up in law school and they're used to memorizing massive amounts of information, they're used to writing and explaining data – they're really well equipped to do well in law school.
- Alison Monahan: And they're used to a curve.
- Lee Burgess: Yes, fair point. Also used to a curve.
- Alison Monahan: Right. So, whatever someone's background is, I think when you're thinking about the workplace, just think it's basically like legal writing that you've already done in school, but maybe even a little more straightforward and to the point, I would say. People kind of just want the answer a lot of the time.
- Lee Burgess: Yeah. So, when you were doing your Legal Writing assignments in school, you probably heard your professor talk a lot about legally significant facts. And that's really one of your jobs, is summarizing facts, realizing what is legally significant. You're not going to get a fact pattern in the workplace in the same way. Nobody's writing a nice one-page sheet outlining all of the facts. There might be some statement of facts in the case file that you're going through, but you might be reading depositions, you might be going through a lot of facts. But one of your jobs is to really understand what is legally significant, and then matching it to the law and making a conclusion. If this does not sound familiar to you,



then you want to go back to your Legal Writing professor and start asking some questions, because this isn't that different. However, I think one of the interesting things about work is they often do really want you to make a conclusion. And this can be really hard for young, brand-new lawyers who are like, "Well, I don't know. Why do they care about my conclusion?"

Alison Monahan: Or, "What do I have to say about this? Why would I be the one?" It's like, you are the one who's being asked to research the question, so we expect you to be the one to come up with the answer.

Lee Burgess: Exactly. And I think there's this fear – partly because we're all perfectionists – there's a fear that you could be wrong. But I think it is important to remember that yes, you can be wrong if you cite bad law. That's wrong; don't do that.

Alison Monahan: That's just incorrect.

Lee Burgess: That is incorrect. That is fully incorrect. But especially if it's a tight case and there's ambiguity, it can go either way. If your conclusion is supported by good law and an accurate analysis of the facts, even if it's a different conclusion than your supervising attorney or the partner may draw, that does not mean it is wrong. So, you just need to thoughtfully explain your thought process and it might actually challenge their opinions, you never know.

Alison Monahan: Right. The reality is, most times in a case, you have an outcome that you're looking for. This is not just like, "Oh, maybe it's this way, or maybe it's that way." Your client wants it to be one way or the other. So, you might be tasked with figuring out the best way to convince the court that it is X or Y, but you might also think this is not a very strong argument. And I think that's even something you need to lay out so that people can really have an understanding at a higher level. The partner might look at this and say, "Oh, maybe this is really not a great argument. We may need to really think about some other arguments here, or going a different direction." So yes, you want to get to the answer you're looking for, but you don't want to do that in a way that just glosses over all of the competing arguments, because you know the other side is going to bring those up.

Lee Burgess: Yeah. Let's dive into some nitty gritty tips about how you're going to do some of these legal writing assignments. These should sound pretty familiar because these are also tips about how to do well on not only your legal writing assignments in school, but some of your exams. Really, one of my favorites is, always answer the question that you have been asked directly. We talk about this in almost every context. So, don't avoid a difficult question or change the question just because you don't like it – that's a poor choice. They are asking



you to do a specific assignment and you need to do it. We talk about this in law school, we talk about this on the bar exam, we talk about this in your Legal Writing classes. You always have to look at that question, the call of the question, whatever it might be, and answer it directly.

Alison Monahan: And certainly in a work context, you definitely want to understand your jurisdiction that you're in. So, if somebody asks you for New York federal court cases, and you come back with New York state court cases, thinking it's pretty much the same thing, it's not the same thing. It's a totally different universe. It's totally pointless.

Lee Burgess: Hierarchy of the court's very important. Very important.

Alison Monahan: Yeah, you might remember from very far back in the day, the *Erie* problem. This is the *Erie* problem.

Lee Burgess: Yeah, exactly. You also want to follow proper formatting conventions for the document type. So, is this an email, is this a memo, a brief? They all have their own conventions; different workplaces might have their own preferred templates. The reality is, you need to ask to make sure you're doing it in the way that they want you to do it. You could ask your supervisor, or if you're worried that you shouldn't ask your supervisor, you could ask a more senior associate, or even, this is where I think legal assistants really become helpful because they file all these documents and they often format a lot of them and they will be able to point you where templates are. So, just use all your resources and make sure that you see what is commonly used at your firm.

Alison Monahan: Definitely, you want it to look right. I also think it's great to use the CREAC format where you put your conclusion right up front, because that just makes it easier. You've got to think everyone reading this is probably super busy, and they don't want to be looking through three paragraphs to figure out what the answer is. Put the answer straight up front, and then explain it. Give them a roadmap to the analysis, show your work, and make sure that they can get very clearly through this to the conclusion, understanding it, crisp, concise language. Because sometimes people try to sound fancy, I think, and use big words and convoluted sentences. That's not what good lawyers do. Good lawyers get to the point and they explain things, they keep it simple, and they let people follow their work. So, that is your goal here.

Lee Burgess: Yes. And CREAC – if you don't know what that is – is Conclusion, Rule, Explanation, Analysis, Conclusion. As you study for the bar exam, we talk about this in the bar exam context as well. Some professors even like this format on their law school exams, although IRAC is definitely the most common. But it's



one that you want to be really familiar with and be able to easily implement, because it does give you a roadmap for your writing.

Alison Monahan: Definitely. I also think it's really critical that you proofread. This has to be perfect. There are just things that you might not think are a big deal, but I guarantee you, if you have misspelled words, if you have left out words, it's just not great. It doesn't really present your best foot forward as a professional. So, you might need to read it aloud. You obviously want to use spell check. If there's anything with a squiggle, you need to figure out why. A lot of grammar checking happens now – if you see the blue squiggle, why is that happening? Don't just gloss over it and think you got it right. Names, you've got to double check. Any of this stuff. I know it sounds nitpicky, but this is really the bread and butter of being a good lawyer.

Lee Burgess: Oh, and hard to spell names. A great tip for that is you can do "Find and Replace" and make sure that it finds all the names. And if you misspelled it once, I would go through and make sure that you didn't do it again. You can use these tools to really clean things up, but I can't say enough about the spell check. We just had an issue where somebody presented work to us that hadn't been spell checked. I mean, I'm a terrible speller, anyone who works with me knows I'm a terrible speller. I use spell check. If it's got a squiggly line, click on it. It takes two seconds. But all it shows is that you didn't even look over your work, I think that's the thing. It takes not a lot of time. Mistakes happen, typos happen. But not even looking over your work – that is not a good look.

Alison Monahan: Yeah. If it's something that's simple that anybody should have seen in a grammar checker... And sometimes people think, "I see a squiggle, but I'm sure it's fine." It's like, they're getting really good. The machines are getting really good at correcting our writing now, so if they tell you there was a problem, there's a very high likelihood there's actually a problem at this point. I know spell check used to be pretty bad and the grammar stuff was even worse, but they're not bad anymore. They're getting really good.

Lee Burgess: Yeah, yeah. And now I had to add this one in, because we have a lot of conversations about how many spaces to put after a period. We've talked about this a lot. I don't know that people would believe how many conversations we've had about this over the last decade plus we've worked together. But you better understand little things, like do they want you to put two spaces after a period? I know that sounds silly, but if someone has strong feelings about this like Alison, they will notice. And now you have trained me and I notice, and it drives me crazy.



- Alison Monahan: Yeah, and I think this is a generational split, because a lot of older attorneys think you should use two spaces after a period. You should never do that, but they might tell you to do it anyway. And if they do, you need to basically either train yourself to type two spaces, which is hard, or use "Find and Replace" to basically go ahead and put in the two spaces after every period. But yeah, you need... A) it must be consistent. Absolutely, it cannot be mixed. And people will notice. I mean, lawyers are crazy people, basically. Most people you're working with, a lot of them probably were on the Law Review. We were trained to see things like this. I can tell you if a period is italicized. That is not normal.
- Lee Burgess: Bullet point sizes – that's one that gets me.
- Alison Monahan: Yeah. Or using different quotations throughout, like the straight ones, the curly ones. We notice these things, and you need to notice them too.
- Lee Burgess: Yeah, I know. It makes you sound really intense, but we are really intense. That's why we went into this work.
- Alison Monahan: We don't even practice. We're not even submitting to this to a judge.
- Lee Burgess: I know. So, pro tip, if you're listening to this and you ever want to apply for a job, it's one space after the period. Make sure you spell check your work and don't misspell our names. We also see that.
- Alison Monahan: And Lee is a woman. Lee is not a man.
- Lee Burgess: Lee is a woman and Alison has one L, so there you go.
- Alison Monahan: There you go. Those are the pro tips.
- Lee Burgess: Pro tips. The other thing that is important is to be willing to accept feedback. And I think that when you're a summer associate and when you're a new lawyer, it is really important that you recognize that whoever reviews your work is likely to have questions, they might have comments, or they might have feedback. And you need to be open and accept that feedback, even if it can be critical, because lawyers aren't always great at giving feedback, because we can be critical, just as a group of people.
- Alison Monahan: You think? Based on the last several minutes.
- Lee Burgess: I'm sure nobody in my life would say I'm ever critical. But you do need to be open to receiving that feedback. And don't take it personally, but do try to learn from it, because you are learning these new skills. It's okay. I do remember the



feeling of getting my work torn up in my first jobs, especially out of college, and it doesn't feel good, but it is part of learning and you have to have a growth mindset about it.

Alison Monahan: Well, and I think when you're doing legal research for someone, they are oftentimes going to ask you literally for what did you search? Because if I'm a more senior associate and I give you an assignment and I ask you to find cases, and maybe you come back with what I'm looking for and maybe you don't, or maybe some of it's what I'm looking for and some of it's not – I'm not just trying to be a jerk if I ask you to show me what you did. I want to actually see, are there other ways to search this topic that I might be able to think of, which might find a different case? Or are there other tools we can use at this point? So sometimes people just need to know what you did. And that's also something you probably want to consider at least being able to explain to them: "Well, the first thing I did was this, and then I did this, and I did this." And it's like, "Okay, we can talk about what you might want to do next" or, "I'll take over" or whatever it is. But you're going to need to be able to explain what you did and how you got this work.

Lee Burgess: Yeah, that's a good point. Like showing your work in high school math.

Alison Monahan: Yeah, or even just keeping track of what you are looking for, what databases you are searching, that kind of thing. And most of this should be in whatever tool you're using. But don't be shocked if somebody comes back and actually asks you, "What queries did you run, and what databases?"

Lee Burgess: Yeah. Well, let's move on to talking about some common legal writing assignments for summer associates and new lawyers. You will probably encounter these. So, emails, which still remain very important in the professional world, as you'll learn if you ever do document review... Although the AI might just take that over, so who knows? Emails are fast communication, but you must maintain professionalism. I do think that this can be tricky when folks enter the legal workplace, especially if you have attorneys of different generations working together. Older generations are even more professional with email because they see it as writing to someone, where we often shoot off quick emails or responding on our phones. Emails still need to be professional, and they are very important and they can be a way that you can communicate important information. I mentioned how I was on that trial team, and we would sit and have to write response emails. Basically, they had a team of us, at lunch we were given an amount of time, all of us did legal research, and then we all had to send these emails back to the trial team so they could pick which one of us they thought was right, or maybe a couple would agree with each other, I don't know. But it was important to remember that those emails carried a lot of



weight. Now, you may also send emails that just say, "Do you want to meet at 2:00 o'clock?" But if it's an important email, you need to proofread it and use the same conventions that you would for any other writing; it's just in email form: "Dear so and so", maybe even a note about what your topic is. We're going to talk a little bit more about email. Still very important, and I think it is hard sometimes to shift to professional email writing.

Alison Monahan: Right. I think you want to think of that as a written record. Obviously, less work went into it than a memo or a brief or something like that. But at the same time, it's not just something you're texting, with a bunch of emojis in it.

Lee Burgess: Yes. No emojis, no emojis. Good rule of thumb. Well, the memo – hopefully everyone's familiar with the memo. You should be doing these in your Legal Writing classes. Memos convey legal analysis. They are typically written in the objective voice. They assess the strengths and weaknesses of your case. You should have seen these before, and I think it's important to recognize that the memos are oftentimes the foundation for future work. So, they are really complete. They may be what future persuasive work is built off of, or a letter to a client, which is another option, is writing letters. They could be objective letters, they could be persuasive letters, but a lot of these documents do become related to each other. And then there's the brief, which is your persuasive document, oftentimes filed with the courts. And so, it's really important. You're going to use samples and templates. But I think what becomes really critical is you have to remember that you still have to read the whole thing, even if it is a template and even if you think it's about the same. So, my embarrassing story of copying something is, I was working during the summer at the U. S. Attorney's Office and I was supposed to do this plea agreement. And I got a plea agreement and I was rushing and I didn't read every line of the plea agreement. I thought I understood what needed to be updated. And then I was wrong, and then we took it to court, and I got yelled at.

Alison Monahan: Yeah. That sounds like kind of a big deal, because a plea agreement's pretty important.

Lee Burgess: Yeah, that was a big mistake. That was a big mistake. Now, in my defense, my supervisor didn't read it either. It probably should never...

Alison Monahan: Fair point. That was really their responsibility.

Lee Burgess: So, she also got yelled at in open court and neither of us made that mistake again. But it was a really good reminder that even if you're using templates, even if you think you don't have to update all the parts of the document – and



this goes for contracts and anything that you might be working on – read the whole thing carefully.

Alison Monahan: Right. And I do think this is actually a key point to make for people who maybe are in that first legal job. Because I remember my first summer job, and the first week or so somebody called me up and he said, "I need you to research this question." He showed me this book on contracts and I was like, "Wow, I've never seen this." He's like, "Ah, they teach people nothing these days." But basically, "I know the answer is in this book, I just don't have time to find it. I need you to answer the question. I need this by the end of lunch. Send it back to me." So, I find the right part of the book, I copy out the answer, I send it to him. He calls me like an hour later and I said, "Did that answer your question?" He's like, "Well, I hope you were right because I dropped it in the brief and didn't have time to read it." And I'm like, "Okay." So, that was that was eye opening that people were really truly going to be relying on my work. I had gone to one year of law school at that point, and did not feel like I knew what I was doing. But this person was just like, "You know what? I'm going to have to trust you because I don't have time to research this myself", which is terrifying and probably a violation of the rules of professional responsibility. But that is kind of what happens.

Lee Burgess: Yeah. You really just need to be incredibly careful, because all of your work has a lot of weight attached to it. And I hear about attorneys making mistakes all the time, when we're out in the world and you'll get documents that have mistakes on them all the time. People will use incorrect names for things. Everything needs to be checked. It's so important.

Alison Monahan: I think anything you turn in, regardless of where you're working, you should assume will be sent to some sort of authority figure, whether that is the client, whether it is a judge, whatever it is. Just assume that it is walking out the door as is, and act accordingly.

Lee Burgess: Yes. I would never not read the whole plea agreement ever again. That was a long, long time ago, but it's a very vivid memory. Vivid, very vivid.

Alison Monahan: I bet.

Lee Burgess: I can still see the judge's face. Yeah. Okay, so let's talk a little bit about memos, which is, as we said, an objective legal writing document. I wanted us to share some general tips for working on a memo. Not to repeat ourselves, but I will because it's so important – you need to understand the precise question or issue you've been assigned. And if you don't understand it, ask follow-up questions – very, very important. And then you've got to gather as many



relevant facts as possible. And this can be tricky, because you may not get a ton of guidance from your supervisor on this and you may have to go learn the facts from the case file, from pleadings, whatever you need to go find. But you're going to have to find them. They're not going to give you a fact pattern like law school. I still remember being brought onto a trial team and sitting down and he says, "Do you understand what this is?" And I said, "I've never heard of that before." And then he was just like, "Oh." It wasn't my fault. It was something I should have never heard of before. It was about welding rods. Who had heard about welding rods? I had not heard about welding rods. You went to architecture school – maybe you had heard about welding rods, but I had not.

Alison Monahan: No, I would not know that. And the thing is, I think oftentimes what happens is you might be being dropped into the middle of a case where people have been working on this for years, literally, in some cases. They know everything about it, they understand all the players, all the facts are totally second nature to them. They forget that not everyone has spent years on this. So, if you get a memo assignment, you have no idea – absolutely fair game to either say, "Hey, can you give me a quick rundown of this case and the key players?" and/or, "Is there some place that we have a collection of the facts and that sort of thing that I should be reviewing?" Because oftentimes, if it's a big case, there will be.

Lee Burgess: Yeah, that's a good point. And really, this is a really big issue – you need to seek clarification. I think that if you then go review the facts and you still don't understand something about the question, don't start working and waste time doing something wrong. I think most supervising attorneys are happy to get clarifying questions, especially if they're shown that you did some due diligence and tried to get the question answered yourself. But they would rather you ask the clarifying questions. If you think something's unclear, don't write an entire memo and be like, "Well, since this is unclear..." Don't leave them unclear. Figure it out one way or the other.

Alison Monahan: Or, "I didn't understand something about this, so I just guessed." And then you guessed wrong. That's wasting everyone's time, and time is money.

Lee Burgess: Time is money, which is the next point, which is research appropriately and know how much time you're supposed to spend on something, especially if they are billing it. The one thing about law school is you can spend as much time as you want on some of these assignments, within reason. It's not always the same thing at work when you're being billed out by the hour. And if you come back and they find out you spent 20 hours on something that should have taken three or four, that's going to be a big problem and reflect really badly on you.



Alison Monahan: Yeah, you want to understand up front, is this a quick and dirty assignment, or is this you want me to turn over every single possible leaf and dig into every single possible thing? And even then, you probably want to get feedback as you're going so that you're not turning in something in the end that's 40 pages and they're like, "Yeah, this is a complete waste of time."

Lee Burgess: Yeah. Alright, as we mentioned before, get samples. If you've never seen a sample, you can always ask your supervising attorney if they have a sample that you could see. So, you can make it look like their own work, which is really how to be a successful subordinate.

Alison Monahan: Yeah, and people have different preferences. So you want to make sure that you are very, very clear on, "Generally, I would follow the CREAC format. Is that what we're looking for?" How much of an opening paragraph do they want? All these things people have different preferences on. I think the basic idea is you probably want to follow something like that. You want to clearly explain yourself, you want to make it easy to read, but within that there are a lot of different ways you could do it. And your audience is your supervising attorney, and this is objective. So, you want to make sure that you're really exploring the questions in the way that they're looking for.

Lee Burgess: Yeah. And using this CREAC formula is very helpful, because you can address all these specific parts individually, it allows you to remain clear and hopefully concise in your writing. And remember that you can have many CREACs – you can have a big overarching issue, you can have sub-issues, but this cadence of the CREAC is so important and makes it very easy for somebody to read your work. And as we said, these memos can hang around for a while, so you definitely want to make sure that they're very easy to read. And somebody might drop in and just read certain issues of it, so you want to make sure that it's professional and clean and organized. These are important documents and they're worth a little extra effort. As we said, proofread, make sure it looks professional. You never know who's going to see it. Alright, a few more words on professional emails. As we mentioned, these can kind of be stand-ins for these larger documents, so you really want to maintain professionalism, no sloppy typos or inappropriate backgrounds or graphics. You want to mostly keep it in about one screen length. I think that's a really interesting idea of keeping an email in a manageable length because not only is it a lot to read a long email on your computer, but so many busy supervising attorneys will be reading this on their phone. Yes, as ours are all sitting next to us, mine is full of text messages and things that I need to be reading. So, informational subject lines are great. You can remind the recipient of the issue, you can even include things like "Please review", so they know that they need to read it, or you're sending them something to review. "Follow-up question" – you can put that in a title if you



want to, but it can be good to have kind of a signal in the subject to give the reader an idea about what you're asking for. And you want to basically stick to a similar email structure after a nice salutation, instead of just like "Hey boss." I know that sounds crazy, but I'm sure somebody is doing that. I did work with someone who thought it was always strange that I would say, "Dear so and so, I hope you've been having a great day." I always had this pleasantries, and she's like, "Why are you wasting time with pleasantries?" I'm like, "Because it's just how I write email. I don't know what to tell you, that's just how I do it." Email structure – we should really follow what we recommend as the ICRAC formula. I know, I know, I just can't sometimes with it. But it's really an Issue, Conclusion, Rule, Analysis, Conclusion. So it's really IRAC with an additional conclusion. So an Issue statement, Conclusion, and then you do the rest of the RAC.

Alison Monahan: It might sound something like, for example, "As you'll recall, in our last meeting, you asked me to research the issue of" blah, blah, blah, whatever the issue is. "My research has found out that" blah, blah, blah, conclusion. And then you do the Rule, Analysis, Conclusion. But so, remind them of why you're sending this, and then give them the answer, and then give them the more detailed analysis.

Lee Burgess: And this is where I think clear and concise writing is really important. Briefly analyze elements, briefly analyze things. You can always offer to go more in-depth but depending on the purpose of this email. The purpose of the email may be, "You asked me to do this and here's what I have found. Do you want me to continue and draft a longer document?" Or it's like, "I haven't found anything. Do you want me to keep looking?" But you do want to be concise and use a professional tone, but they're going to read it quickly and probably respond quickly, and then need to go about their day. So, keep that in mind.

Alison Monahan: Yeah. It could also be, "I've done this research and it seems like we need the following information", bullet point, bullet point, bullet point. "Would you like to ask the client for that, or would you prefer I do it?" Something like that.

Lee Burgess: Yep. Again, please be professional. No exclamation points, emojis, LOLs, jokes, sarcasm. Proofread it. It sounds silly, but we've all shot off an email with something inappropriate in it at some point in our careers. So, best not to do that. I feel like on the phone it's even easier. If you don't proofread on your phone... My autocorrect, for as smart as my phone is, it really gets a lot of things really wrong. Or even worse, the dictation. I know that the AI is going to take over the world, but it cannot spell my children's names, no matter how many times I correct it. Ever.

Alison Monahan: And your children have short, easy-to-spell names.



- Lee Burgess: I know, right? That's the thing. You know when you're getting a dictated text message from me, especially from my car, because my children's names are unrecognizable. Unrecognizable. That's how you know. So you need to proofread stuff, especially if you use tools like that.
- Alison Monahan: Yeah, and I would say largely, I know people write a lot of emails and things on their phone, but I think if it's something that's being sent to your boss or to the client, you really want to try to not do that, probably, with your thumbs on a phone.
- Lee Burgess: Yeah. I really like writing that stuff in a Word doc, because then you also get all the benefits of the grammar check and the spell check, and then you don't accidentally send something without being intentional about it. So, I'd like to write it in a document, draft it, and then you can always copy and paste it into an email, but then there's no accidental "Sends", because who loves an accidental "Send"? Literally no one. No one.
- Alison Monahan: Doesn't look good.
- Lee Burgess: Well, as we're running out of time, that kind of wraps up our overview of objective legal writing. Next time, we're going to talk more about persuasive legal writing and how that is different. Any final thoughts as we've been reminiscing about our new lawyer days for folks who are moving into the workplace?
- Alison Monahan: I will just say, listening to this, I think we totally sound like crazy people, but I will tell you, you and I would have been pretty chill people to work for at a law firm.
- Lee Burgess: That's true. And many of our peers are now partners, so you're pretty much working for versions of us at this point.
- Alison Monahan: But not even as accommodating or accepting of mistakes. People just really are not very accepting of mistakes, and I know that can be terrifying, but that is the world you're entering and I think you just need to acknowledge that reality.
- Lee Burgess: Yeah. I also think that what helped me kind of understand that was this idea that really, in the beginning of your career, your work is being represented as somebody else's work. They're taking something you did and they're dropping it into something they've written, or they're putting their name on it and filing it with the court. And when someone is going to use your work as their own, if you make them look bad like I did to my supervisor at my U. S. Attorney summer



job – that's not a good look. That's really not your role. Your role is to make them look like they can do twice as much work as they're doing.

Alison Monahan: Yep. I had a partner tell me early on, "Your only job is to make me look good."

Lee Burgess: Mm-hmm. Pretty much.

Alison Monahan: I was like, "Okay."

Lee Burgess: "Deal!" If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you won't miss anything. If you have any questions or comments, please don't hesitate to reach out to myself or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com. Or you can always contact us via our website [contact form](#) at LawSchoolToolBox.com. Thanks for listening, and we'll talk soon!

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