
§ 3.2**Forms of Legal Writing***Types*

Each type of legal writing has a specific function. This chapter will concentrate on the preparation of a legal memorandum, but it is helpful to be able to distinguish the functions of different legal documents.

Correspondence - Letters and email between attorneys or paralegals and clients make up the bulk of correspondence. There may also be correspondence with witnesses, businesses or agencies, or even potential adversaries.

Pleadings- These documents are generally fact-based, not law-based. The writer prepares documents that lay out specific facts that support his or her position in litigation or criminal proceedings. It is in motions and at trial that the law is applied to the facts in the pleadings.

Discovery - These documents are also fact-based, not law-based. The primary purpose of discovery is to expose facts relevant to litigation, such as what really happened, or what witnesses the opposition intends to call during trial. There may be requests, however, for the law that the opposing party intends to argue at trial.

Motions- Motions, such a motion for a summary judgment, seek to have the court address a procedural issue.

Briefs and Memoranda - These documents argue legal issues and are, therefore, law-based. Internal memoranda (such as an Interoffice Memorandum) are objective, looking at both sides of the legal question. External memoranda (such as trial briefs) attempt to persuade the reader and only argue law that is favorable to the client.