

Contents

Preface	5
Bibliography	9
1. Introduction	13
2. Legal Writing Steps	17
2.1 Outline Document Structure	17
2.2 State the Rights or Obligations	18
2.3 Writing Process	19
3. Principles of Legal Writing	23
3.1 Introduction	23
3.2 General Principles of Good Writing	29
3.2.1 Sentences	29
3.2.2 Verbs	34
3.2.3 Word Choice	39
3.3 Specific Principles of Legal Writing	46
3.3.1 Interpretation	47
3.3.2 Third Person Singular and Present Tense	53
3.3.3 Conditions, Exceptions and Provisos	54
3.3.4 Clauses or Provisions	57
3.3.5 Coode's Rule	57
3.3.6 Expressions of Time	61
3.3.7 Words and Phrases	63
4. Standard Legal Writing Format	91
4.1 Document Format	92
4.1.1 Opening – Date of Agreement	93
4.1.2 Opening – Names and Addresses	95
4.1.3 Background, Recitals or Whereas	96
4.1.4 Linking Opening or Background, and Operative Provisions	97

4.1.5	Operative Provisions – Definitions and Interpretation	98
4.1.6	Operative Provisions – Heart of Agreement	100
4.1.7	Operative Provisions – Schedules	101
4.1.8	Operative Provisions – Closing – Concluding Provision	102
4.1.9	Operative Provisions – Closing – Signature Block	103
4.2	Document Provisions	105
4.2.1	Primary or Main Commercial Provisions	106
4.2.2	Secondary, or Other Commercial and Legal Provisions	111
4.2.3	Tertiary or Boilerplating and Miscellaneous Provisions	131
Appendix I	– Document Design	145
Appendix II	– Punctuation	155
Appendix III	– Recommended use of familiar words in place of short phrases and archaic words	165
Appendix IV	– Recommended use of familiar words in place of common Latin expressions	175
Appendix V	– Sample Agreements	185
Appendix VI	– International Corporate Structures	200