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## Legal Education and The English Language

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# Legal Education and The English Language

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As a condition of admission or of graduation, law schools should require students to demonstrate the ability to write a composition in logical, clear, unambiguous and grammatical English.<sup>1</sup> Neither knowledge of the law nor ability to see all the points engendered by a legal problem are alone sufficient for success in the practice of law, nor, for that matter, in the work of judges and supporting personnel.

In the practice, for example, lawyers are called upon to write contracts, to submit legal opinions and to prepare briefs. If a contract is not free from ambiguity, the lawyer who prepares or approves it for a client may be inviting a justified charge of malpractice. If the opinion is ambiguous or unclear, the client may look for another lawyer — indeed, would do well to do so.<sup>2</sup> If the brief lacks cogency and clarity, it will be of little service to the court.

At many law schools, including those most highly-ranked, there is a tendency to grade written examinations upon the number of points covered with a modicum of correct delineation of the applicable law. The use of good English all too often appears not to receive much, if any, consideration.

The attitude of many law school faculties is that by the time a student reaches law school, the student should have mastered the use of good English. Perhaps so. However, the sad fact is that far too many students, including those receiving high grades in law school, have not acquired the ability to write good English either upon admission into

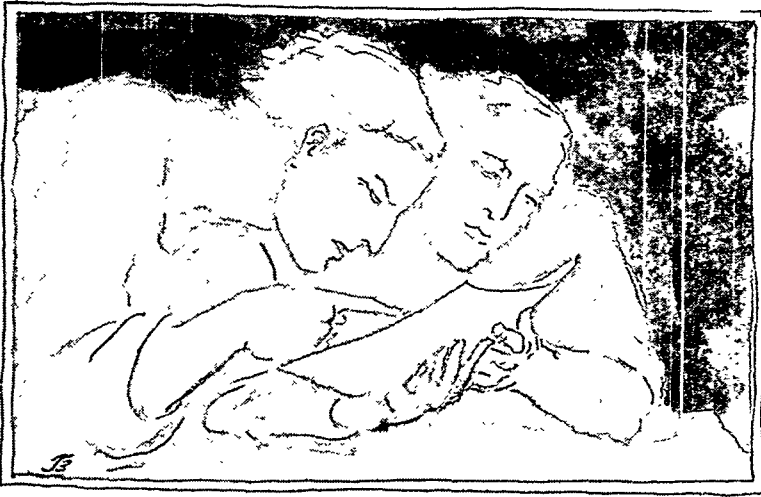
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1. Both "clear" and "unambiguous" because two or more sentences which, in themselves, are clear may, taken together, create ambiguity.

2. Calculated lack of clarity may, conceivably, in some circumstances, serve a client well. However, that service assumes that the drafter of the contract knows the difference between clarity and the lack of it.

the law school or upon graduation from it.<sup>3</sup>

Complexities of the law, both common and statutory, do not excuse those in the legal profession from the duty to use good English. Indeed, those very complexities make it important to expose them and, thus, reduce unclear exposition to plain English.<sup>4</sup>



**Must learn to write clear, concise, grammatical English**

The ability to write well tends to nourish the ability to speak well. And the ability to speak well is also an important element to success in the profession. The use of clear English in speech is requisite to effective direct and cross-examination.

There is no excuse for the failure of law schools to demand that students have the ability to write clear, concise English. That ability is essential to competence in the legal profession. Surely law schools should see to it that graduates do not lack that competence.

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3. Neither computers nor word processors can substitute good English for bad. Correct spelling, of course, is part of good English, and there are discs which can be used to correct some spelling errors. However, there is no software which creates good English.

4. Describing the complexities calls for the use of clear English. Otherwise, interpreting the law becomes a matter of piling ambiguity upon ambiguity.