



ESSAY

But First, Learn the Rules of Legal Writing

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A first-year law student recently told me, “You’ve got to learn the rules in order to break them.” The comment struck me as a smart distillation of what legal writing is all about, and why we teach it the way we do. More than that, it offers a helpful framework students can return to as they move through the course, wrestle with the challenges of legal writing, and begin to develop their own voice as future lawyers.

1. Legal Writing as a Discipline with Its Own Rules

Legal writing is not just writing about the law. It’s a distinct discipline with its own conventions, logic, and structure.¹ And for most students, it’s entirely new.

Students with strong writing backgrounds may initially assume legal writing is just another genre they can quickly adapt to. Others, often those who feel less confident in

¹ MARY BETH BEAZLEY, A PRACTICAL GUIDE TO APPELLATE ADVOCACY 1–2 (6th ed. 2021).

their writing, worry they are already behind. But both perspectives miss the mark. Students don't walk into Torts believing they already understand tort law, nor do they assume their classmates have some secret head start. They accept that the doctrine is new and that they are all learning it from scratch.

Legal writing should be approached the same way. Framing it as a rules-based discipline levels the playing field. Everyone—regardless of whether they were an English major or an engineering student—is learning a new skill. And not just any skill, but one that is fundamental to the legal profession.² Offering “learn the rules to break them” as a guiding mindset helps students understand that legal writing isn't about innate talent or preexisting skills. It's about learning an analytical structure, practicing it, and eventually becoming fluent in it.³

2. Connecting Law School Writing to Legal Practice

Students often notice—and sometimes bristle at—the gap between law school writing assignments and the kinds of documents they'll be expected to produce in practice: “Why are we writing eight-page memos when lawyers in firms write only two?”

It's a fair question, but one with a clear answer. The structure and formality required in law school are not disconnected from practice; they're foundational to it.⁴ Law students must learn to write with completeness and precision before they can write with speed and economy.⁵

When students write memos that leave no analytical stone unturned, they begin to understand the full architecture of legal reasoning. This thorough approach reveals how legal arguments are structured and why each piece matters. Only after learning what *can* be said are they able to discern what *must* be said—and what can be left out. That discernment is the hallmark of judgment.⁶ By explicitly offering this “learn the rules to

² ANNE ENQUIST ET AL., JUST WRITING: GRAMMAR, PUNCTUATION, AND STYLE FOR THE LEGAL WRITER 1–3 (5th ed. 2017); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 8 (2007).

³ Kristen K. Robbins-Tiscione, *A Call to Combine Rhetorical Theory and Practice in the Legal Writing Classroom*, 50 WASHBURN L.J. 319, 339 (2011).

⁴ LINDA H. EDWARDS, LEGAL WRITING AND ANALYSIS 3–4 (5th ed. 2021).

⁵ CATHERINE J. CAMERON & LANCE N. LONG, THE SCIENCE BEHIND THE ART OF LEGAL WRITING 8–11 (2d ed. 2019).

⁶ John Leubsdorf, *The Structure of Judicial Opinions*, 86 MINN. L. REV. 447, 447 (2001).

break them” framework, we help students see the differences between classroom and practice—not as a disconnect, but as a natural progression.⁷

3. Learning the Rules Is a Grind—But It Doesn’t Last Forever

We often romanticize the idea of writing, but the reality—especially in legal writing—is that learning the basics can be slow and frustrating. Normalizing the grind leaves less room for catastrophizing it.

Think about learning a new board game. Reading the rules rarely sparks joy. The excitement comes from playing. Similarly, students likely don’t experience “flow” when grappling with CREAC structure or citation formats for the first time. That’s natural. Mastery and satisfaction does not come from instant clarity but from repeated practice.⁸

This “learn the rules to break them” mindset also reassures and reminds students that the grind is temporary. Legal writers are not meant to stay in the world of rigid structure forever. They’re learning the basics now so they can have greater freedom, fluency, and confidence later.⁹

4. Legal Writing as Process, Not Product

“Learning the rules to break them” might sound like a product-focused mindset. But it’s deeply aligned with process-based learning. Writing is recursive: we learn by doing, reflecting, revising, and doing again.¹⁰

Legal writing begins with structure—often rigid, formulaic, even awkward. But those initial constraints are scaffolding.¹¹ They help students internalize how legal arguments are built. Over time, students begin to understand not just how to construct a legal memo or brief, but why legal writing has evolved the way it has. The goal isn’t to memorize rules for their own sake, but to develop instincts about when structure serves clarity and when it might stand in the way.¹²

⁷ MICHAEL R. SMITH, *ADVANCED LEGAL WRITING: THEORIES AND STRATEGIES IN PERSUASIVE WRITING* 5–7 (3d ed. 2013).

⁸ Kathleen Elliott Vinson, *Improving Legal Writing: A Life-Long Learning Process and Continuing Professional Challenge*, 21 *TOURO L. REV.* 507, 510–11 (2005).

⁹ Chris Rideout and Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 *WASH. L. REV.* 35, 44 (1994).

¹⁰ Cathren Koehlert-Page, *Like A Glass Slipper on A Stepsister: How the One Ring Rules Them All at Trial*, 91 *NEB. L. REV.* 600, 636 (2013).

¹¹ Anne Enquist, *Critiquing Law Students’ Writing: What the Students Say is Effective*, 2 *J. LEGAL WRITING INST.* 145, 147–48 (1996).

¹² Christine M. Venter, *Analyze This: Using Taxonomies to “Scaffold” Students’ Legal Thinking and Writing Skills*, 57 *MERCER L. REV.* 621, 637 (2006).

5. The Long Game: Becoming Lawyers Who Add Value

Some students naturally like rules. Others pride themselves on pushing against them. In legal writing, both instincts have their place. But in the long game, we're not just teaching rule-following.

Generative AI can mimic legal form, follow citation guides, and produce structured text. What it cannot do is understand a client's needs, weigh risks, or craft arguments with strategic nuance.¹³ That is where the artistry of legal writing lives—not in mindlessly repeating templates, but in making intentional choices.

Knowing how and when to depart from a convention requires mastery. And it starts with a mindset that sees the rules not as limits, but as a foundation.¹⁴

¹³ Teresa Phelps & Kevin Ashley, "Alexa, Write a Memo": *The Promise and Challenges of AI and Legal Writing*, 26 J. LEGAL WRITING INST. 329, 344-46 (2022).

¹⁴ Joe Regalia, *From Briefs to Bytes: How Generative AI is Transforming Legal Writing and Practice*, 59 TULSA L. REV. 193, 220 (2024).