

Importance of Accuracy in Writing

- Accuracy is important for many reasons, including the following:
 - Being inaccurate in order to mislead is a breach of ethics
 - Being inaccurate in an intra-office memo or client letter may induce the reader to do something that may harm the representation in the long run.
 - Once another attorney or (especially) a judge catches you misquoting or mis-citing an authority, your credibility and your firm's credibility will be hurt permanently.

What Does “Accurate” Mean?

- Accuracy includes choosing the most precise synonyms to the applicable case
 - E.g., Don’t say “murder” when you mean “homicide”
- List elements and relevant law in a manner such that the reader will best understand the elements of the law. For example:
 - DON’T: The elements of battery are intentional, harmful, offensive and contact
 - DO: A battery occurs only when the defendant intentionally causes a harmful or offensive contact.
- Quote the language if you can. If you must paraphrase, stick as close to the original as you can.

What Does “Accurate” Mean? 2

- Don't embellish or exaggerate the law.
- Don't imply that the court meant something. You can take a position, but make it clear that it's just that- a position
- Don't infer your own laws. For example:
 - DON'T SAY: “The court applies a balancing test” unless the court says that it applies a balancing test.

Describing the Law Concisely

- Quote or paraphrase only the part of the law or case that's relevant. Don't overload your quotes with words that are unnecessary.
- Example: You want to tell the reader that the crime of “bribery of a public official” includes bribing a juror in a federal case. Compare:
 - “The term ‘public official’ means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.” 18 USC § 201(a)(1)
 - “The term ‘public official’ means... a juror.” 18 USC § 201(a)(1)

Describing the Law Completely

- By the same token, the reader should be able to get a complete picture of your application of the law from your description.
- Therefore, if a word in a statute is ambiguous, using a case or other statutory note would be helpful to your reader in being able to understand the context of the law.

Other Principles in Citing the Law

- Summarize the Law
 - If the rule can be summarized in a clear, concise and understandable manner without omitting content, that is preferable to citing the whole complex language of the statute.
- If two or more disparate sources combine to form the crux of what you're citing, you can combine them to “synthesize” the law. Example:
 - It is a federal crime to take part in a racketeering enterprise, *citation*, which is defined as an organization that... *citation*.