

PILA DRAFTING TIPS

**“There is no such thing as writing
... only rewriting!”**

- Obvious as it sounds, a written document must serve its purpose. This means that every word counts! The final product should say no less and no more than intended.
- Ensure that each point in the document flows logically from the previous point. Make sure that you do not make any points which assume a fact which you have not already made clear.
- Time spent considering your audience and what you want achieve is time well spent.
- Good writing comes through editing and re-editing until you are happy that your document communicates exactly what you want it to.
- It is important that the final product is:
 - ✓ **Clear**
 - ✓ **Precise**
 - ✓ **Concise**
 - ✓ **Comprehensible**

- Where you are using the law (e.g. a case precedent or legislation) to support your point, why not start by making the point and then support it with the relevant authority.

**There is a constitutional right to marital
privacy in Ireland.
McGee v. Attorney General [1974] I.R. 284.**

- Presentation counts for a lot. If possible, ask a colleague to cast their eyes over the document, as they may spot typing errors which you have not. Make sure that the spelling and grammar are accurate.

On the subject of grammar, it is preferable to use the active rather than the passive voice.

**Instead of “My client was subjected to verbal and
physical abuse by Mr Smith” say “Mr Smith verbally and
physically abused my client”.**

- Tone is important. Emotive and exaggerated language is unlikely to persuade. This is all the more true where you stray into factual exaggeration which you are subsequently unable to substantiate. Remember that if you are using the law to make a point, you are seeking to vindicate a legal position. It is much more effective to put the case simply and clearly.

Instead of “The horrendous nature of the events my client has been forced to endure, together with the abysmal, ongoing failure of the state to comply with even the minimum code of conduct required by the letter of the law, make the possibility of a decision against her unfathomable”, say “The relevant facts and the applicable law warrant a decision in my client’s favour.”