

Yaroslav Mudryi National Law University

Department of Theory and History of Law

**PRACTICAL CLASSES GUIDE OF ACADEMIC DISCIPLINE
“LEGAL WRITING”**

Level of higher education – the first (bachelor) level

Degree of higher education – bachelor

Field of knowledge – 29 “International Relations”

Speciality – 293 “International Law”

Educational Program / specialization – “International Law”

Discipline status – optional

Practical classes guide of academic discipline “Legal Writing” for students of the first (bachelor’s) level of higher education in the field of knowledge 29 “International Relations” of the speciality 293 “International Law” of the specialization “International Law” of the Faculty of International Law. Kharkiv: Yaroslav Mudryi NLU, 2025. 9 p.

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Head of the Department _____ Protsiuk Ihor Valeriiovich

I. GENERAL CHARACTERISTICS OF LEGAL WRITING. GENERAL RECOMMENDATIONS FOR WORK ON LEGAL TEXTS

Topic 1. Legal Writing: concept, types, universal principles

Structure

1. *Legal writing as an academic discipline: subject, content, place in the system of academic legal disciplines.*
2. *The specificity of the legal text in comparison with the non-legal one. Legal writing as a form of legal thinking.*
3. *Types of legal writing.*
4. *General recommendations for the presentation of information in legal papers and legal documents.*
5. *Principles of organizing work on the legal text.*
6. *Language of legal papers and legal documents.*
7. *General recommendations for structuring legal texts.*

Literature

1. Pollman, Terrill. Building a Tower of Babel or Building a Discipline? Talking About Legal Writing (2002). Scholarly Works. 508. URL: <https://scholars.law.unlv.edu/facpub/508>
2. Maynez, E. (1998). The juridical technique: excerpts from introduction to the study of law. *University of Miami Inter-American Law Review*, 30 (1), pp. 131 – 182.
3. Ionascu, T. Procedures of legislative technique regarding the drafting, modification, completion, publication and republishing of normative acts. *Annals of the Constantin Brancusi University of Targu Jiu Juridical Sciences Series*, 2018(4), pp. 7 – 12.

4. M. Hannon. Legal Writing Mechanics. A Bibliography. Legal Communication and Rhetoric: *JALWD*, 2022, Vol. 19, pp. 185 – 196.
5. Perelman Ch. The New Rhetoric. A Treatise on Argumentation. University of Notre Dame Press (January 1, 1971). 576 P.
6. M. Koziubra. Theory of Legal Argumentation: its formation, state and perspectives in Ukrainian legal scholarship URL: http://ekmair.ukma.edu.ua/bitstream/handle/123456789/2200/Koziubra_Teoriia_yurydychnoi_arhumentatsii.pdf?sequence=1&isAllowed=y [in Ukrainian].
7. Gadamer H. G. (1960) Truth and method. 2nd rev. ed. London ; New York : Continuum, 2004. 601 P.
8. 14. MacCormick N. Legal Reasoning and Legal Theory. Oxford: Clarendon Press; Reprint edition, 1994. 298 P.

Topic 2. Legal papers: concept, type characteristics

Structure

1. *Concept of legal papers and their difference from legal documents*
2. *Design and preparation of legal papers. Memorandum (legal memo)*
3. *Legal opinion*
4. *Letter. Electronic letter*
5. *Note*
6. *Report*

Literature

1. M. Hannon. Legal Writing Mechanics. A Bibliography. Legal Communication and Rhetoric: *JALWD*, 2022, Vol. 19, pp. 185 – 196.
2. Anisimova O., Lukash H., Vyshynska I. (2021). Place and role of DSTU 4163: 2020 “Unified system of organizational and management documentation. Requirements for documentation” in the system of the documents. *Library science*.

Record Studies. Informology. 4, pp. 5 – 14 URL: file:///Users/kristina/Downloads/Place_and_role_of_DSTU_4163_2020_Unified_system_of.pdf [in Ukrainian].

3. O. Zagoretska. Analysis of major changes in the legal framework to ensure the organization of general records management in 2011 – 2013 URL: <https://undiasd.archives.gov.ua/studii/en/studii-2013/zagoretska.pdf>

4. Nordén G. The Structure of Norms and Legal Uncertainty: A Framework for the Functional Analysis of Law as Transformed in Multi-Member Decision Mechanisms. 2016. Yale Law School Dissertations. 2. 281 P. URL: <https://digitalcommons.law.yale.edu/ylsd/2>

Topic 3. Legal documents: concept, type characteristics, requirements for design and content

Structure

- 1. Types and classification of legal documents, their features*
- 2. Requirements for a legal document: types, content, formal confirmation*
- 3. Peculiarities of work on the text of the contract*
- 4. Legal regulation of activities for the elaboration (preparation) and design of legal documents*
- 5. Means and rules for structuring legal documents*

Literature

1. Maynez, E. (1998). The juridical technique: excerpts from introduction to the study of law. *University of Miami Inter-American Law Review*, 30 (1), pp. 131 – 182.

2. Ionascu, T. Procedures of legislative technique regarding the drafting, modification, completion, publication and republishing of normative acts. *Annals of*

the Constantin Brancusi University of Targu Jiu Juridical Sciences Series, 2018(4), pp. 7 – 12.

3. M. Hannon. *Legal Writing Mechanics. A Bibliography. Legal Communication and Rhetoric: JALWD*, 2022, Vol. 19, pp. 185 – 196.

4. Anisimova O., Lukash H., Vyshynska I. (2021). Place and role of DSTU 4163: 2020 “Unified system of organizational and management documentation. Requirements for documentation” in the system of the documents. *Library science. Record Studies. Informology*. 4, pp. 5 – 14 URL: [file:///Users/kristina/Downloads/Place and role of DSTU 4163 2020 Unified system of.pdf](file:///Users/kristina/Downloads/Place%20and%20role%20of%20DSTU%204163%202020%20Unified%20system%20of.pdf) [in Ukrainian].

5. O. Zagoretska. Analysis of major changes in the legal framework to ensure the organization of general records management in 2011 – 2013 URL: <https://undiasd.archives.gov.ua/studii/en/studii-2013/zagoretska.pdf>

II. LEGAL ANALYSIS, INTERPRETATION OF LEGAL ACTS, AND LEGAL ARGUMENTATION AS INTEGRAL ELEMENTS OF PREPARATION OF LEGAL TEXTS

Topic 4. Legal analysis: concept, types, methods

Structure

- 1. Concept, methodology and types of legal analysis.*
- 2. Legal analysis: its object and features. Legal analysis process – IRAC model (Issue, Rule, Analysis/Application, Conclusion).*
- 3. General recommendation.*
- 4. Statutory analysis. Canons of statutory construction.*
- 5. Counteranalysis.*

Literature

1. M. Hannon. Legal Writing Mechanics. A Bibliography. Legal Communication and Rhetoric: *JALWD*, 2022, Vol. 19, pp. 185 – 196.
2. O. Zagoretska. Analysis of major changes in the legal framework to ensure the organization of general records management in 2011 – 2013 URL: <https://undiasd.archives.gov.ua/studii/en/studii-2013/zagoretska.pdf>
3. Perelman Ch. The New Rhetoric. A Treatise on Argumentation. University of Notre Dame Press (January 1, 1971). 576 P.
4. Gadamer H. G. (1960) Truth and method. 2nd rev. ed. London ; New York : Continuum, 2004. 601 P.
5. Nordén G. The Structure of Norms and Legal Uncertainty: A Framework for the Functional Analysis of Law as Transformed in Multi-Member Decision Mechanisms. 2016. Yale Law School Dissertations. 2. 281 P. URL: <https://digitalcommons.law.yale.edu/ylsd/2>
6. MacCormick N. Legal Reasoning and Legal Theory. Oxford: Clarendon Press; Reprint edition, 1994. 298 P.
7. Alexy R., Adler R., MacCormick N. A Theory of Legal Argumentation. The Theory of Rational Discourse as Theory of Legal Justification, Oxford: Oxford University Press, 2009. 352 P.

Topic 5. Interpretation of legal acts: concept, approaches, methods

Structure

1. *The concept and types of legal interpretation*
2. *Gaps and collisions in law and the rules to overcome and eliminate them*
3. *Methods of legal interpretation*
4. *Peculiarities of the interpretation of constitution*

Literature

1. Nordén G. The Structure of Norms and Legal Uncertainty: A Framework for the Functional Analysis of Law as Transformed in Multi-Member Decision Mechanisms. 2016. Yale Law School Dissertations. 2. 281 P. URL: <https://digitalcommons.law.yale.edu/ylsd/2>
2. Kelso R. R. Styles of Constitutional Interpretation and the Four Main Approaches to Constitutional Interpretation in American Legal History. *Valparaiso University Law Review*. 1994. Vol. 29, No. 1. P. 121 – 233. URL: <https://scholar.valpo.edu/vulr/vol29/iss1/2>
3. Barak A. Purposive Interpretation in Law. Translated from the Hebrew by Sari Bashi. Princeton and Oxford: Princeton University Press, 2005. 464 P. URL: <https://www.docme.su/doc/1731754/aharon-barak--sari-bashi---purposive-interpretation-in-la...>
4. MacCormick N. Legal Reasoning and Legal Theory. Oxford: Clarendon Press; Reprint edition, 1994. 298 P.

Topic 6. Legal argumentation

Structure

1. *The concept and types of legal argumentation*
2. *Structure of legal argument*
3. *Types of legal arguments*
4. *Counterarguments*

Literature

1. Perelman Ch. The New Rhetoric. A Treatise on Argumentation. University of Notre Dame Press (January 1, 1971). 576 P.
2. M. Koziubra. Theory of Legal Argumentation: its formation, state and perspectives in Ukrainian legal scholarship URL:

http://ekmair.ukma.edu.ua/bitstream/handle/123456789/2200/Koziubra_Teoriia_yurydychnoi_arhumentatsii.pdf?sequence=1&isAllowed=y [in Ukrainian].

3. Ch. Lumer. Recognizing Argument Types And adding Missing Reasons. In: Bart J. Garssen, David Godden, Gordon Mitchell & Jean Wagemans (eds.), [Proceedings of the Ninth Conference of the International Society for the Study of Argumentation \(ISSA\). \[Amsterdam, July 3-6, 2018.\]](#). Amsterdam (Netherlands). P. 769 – 777 (2019) URL: <https://philpapers.org/archive/LUMRAT-2.pdf>
4. Gadamer H. G. (1960) Truth and method. 2nd rev. ed. London ; New York : Continuum, 2004. 601 P.
5. MacCormick N. Legal Reasoning and Legal Theory. Oxford: Clarendon Press; Reprint edition, 1994. 298 P.
6. Alexy R., Adler R., MacCormick N. A Theory of Legal Argumentation. The Theory of Rational Discourse as Theory of Legal Justification, Oxford: Oxford University Press, 2009. 352 P.