


Writing for the Multistate Performance Test (MPT)

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Summer 2020



Identify Purpose & Audience

Your role

Your client

The parties

The format of your response and
primary task

Any additional tasks

Go through LIBRARY and FILE to craft OUTLINE.
Turn OUTLINE into RESPONSE.

Analytical Skills

Apply law to given set of facts to reach conclusion

Analogical Reasoning

Compare and contrast facts from FILE with resources from LIBRARY

Responsiveness

Follow directions

Answer question that was asked

Appropriateness

Rely on controlling precedent

Recognize non-binding nature of some authorities

Differentiate relevant from irrelevant information

Predictive Writing

Lawyering I: consider strengths and weaknesses objectively

Persuasive Writing

Lawyering II: offer well-reasoned arguments supported by relevant facts and applicable law



Who is your audience?



Tone

- Predictive versus Persuasive
- Conversational versus Formal



Focus

- Objective coverage versus Advocacy



Language

- Layperson versus Judge

Have you communicated effectively?

Clear, Consistent, Complete, Correct, Creative, Concise



Organization

- Anticipated sequence of sections - track rule
- Useful headings and sub-headings
- Logical flow of ideas from paragraph to paragraph and within paragraphs



Expression

- Precise
- Concise



Analysis

- Relevant facts analyzed in support of asserted conclusion

Tips for writing professionally

Personal Pronouns

- Refer directly to self as writer or to reader
- Can feel jarring or accusatory
- Stating “I think...” or “I will argue...” is redundant

Parenthetical Asides

- Conversational
- Interrupt flow of text
- Does information belong in footnote or in body of paper?

Varying Word Choice

- Using different words or phrases to refer to the same thing can make writing sound more interesting and less choppy but also can create confusion

Ambiguous pronouns

- Being repetitive is better than creating ambiguity.
- No: Alex and Taylor agreed to trade desserts at lunchtime, so he gave her a brownie and she gave him a cookie.
- Yes: Alex and Taylor agreed to trade desserts at lunchtime, so Taylor gave Alex a brownie and Alex gave Taylor a cookie.

Tips for writing professionally

Sentence Length

- Sentence: three lines maximum

Paragraph Length

- Paragraph: half to two-thirds of page

Quotation Length

- Block quotations (50+ words): indent, single-space, avoid if possible

Run-on Sentences and Comma Splices

- Run-on: Emma forgot her umbrella she arrived to class soaked.
How to fix?
- Comma Splice: Emma forgot her umbrella, she arrived to class soaked.
How to fix?

Tips for writing professionally

Headings

- Format consistently
- Guideposts for reader: what will be covered in each section, how does each section fit into document as a whole

Abbreviations

- Define first time
- Use consistently

Contractions

- Write out can't, won't, don't, shouldn't, etc.

Transitions

- Help reader identify relationships between ideas (cause/effect, similarity/contrast, chronology, etc.)

Active Voice versus Passive Voice

- Consider reader's expectations and comprehension
- Consider strategy benefiting client
- Active = Subject > Verb > Object
- Passive = Object > Verb > Subject (sometimes missing)
- Note: VOICE is not the same as TENSE.

Tips for writing professionally

Nominalizations

- Using a noun in place of a verb
- No: The student came to the conclusion that she had conducted sufficient research when she made the determination that the same references kept appearing.
- Yes: The student concluded that she had conducted sufficient research when she determined that the same references kept appearing.

It

- Use a clearer term instead!

It is..., There is..., There are...

- Avoid empty phrases - use more precise language
- Additional examples:

An argument can be made that...

Needless to say...

It goes without saying...

Tips for writing professionally

Parallel construction

- Each chunk of a list must have the same grammatical form.
- No: When I have free time, I enjoy watching movies, to go for a walk, and call my friend back home.
- Yes: When I have free time, I enjoy watching movies, going for a walk, and calling my friend back home.

Dangling participles

- Every modifier must clearly connect to the proper referent.
- No: Looking out the window, my neighbor's cat ran across the street.
- Yes: Looking out the window, I saw my neighbor's cat run across the street.

Tips for writing professionally (Punctuation)

Semicolons

- Connect two full sentences (two complete ideas).
- No: The weather report predicted five days of heavy rain; a warm, sunny day instead.
- Yes: The weather report predicted five days of heavy rain; however, the next day was warm and sunny instead.

Colons

- Preceded by a full sentence (complete idea) and followed by list, fragment, or full sentence.
- No: The very hungry caterpillar ate many different kinds of food on Saturday, such as: chocolate cake, ice cream, pie, sausage, salami, cheese, and candy.
- Yes: The very hungry caterpillar ate many different kinds of food on Saturday, such as chocolate cake, ice cream, pie, sausage, salami, cheese, and candy.

Apostrophes

- Singular noun: before “s”
The cat’s paws. The child’s books.
- Regular plural noun: after “s”
The cats’ paws.
- Irregular plural noun: before “s”
The children’s books.