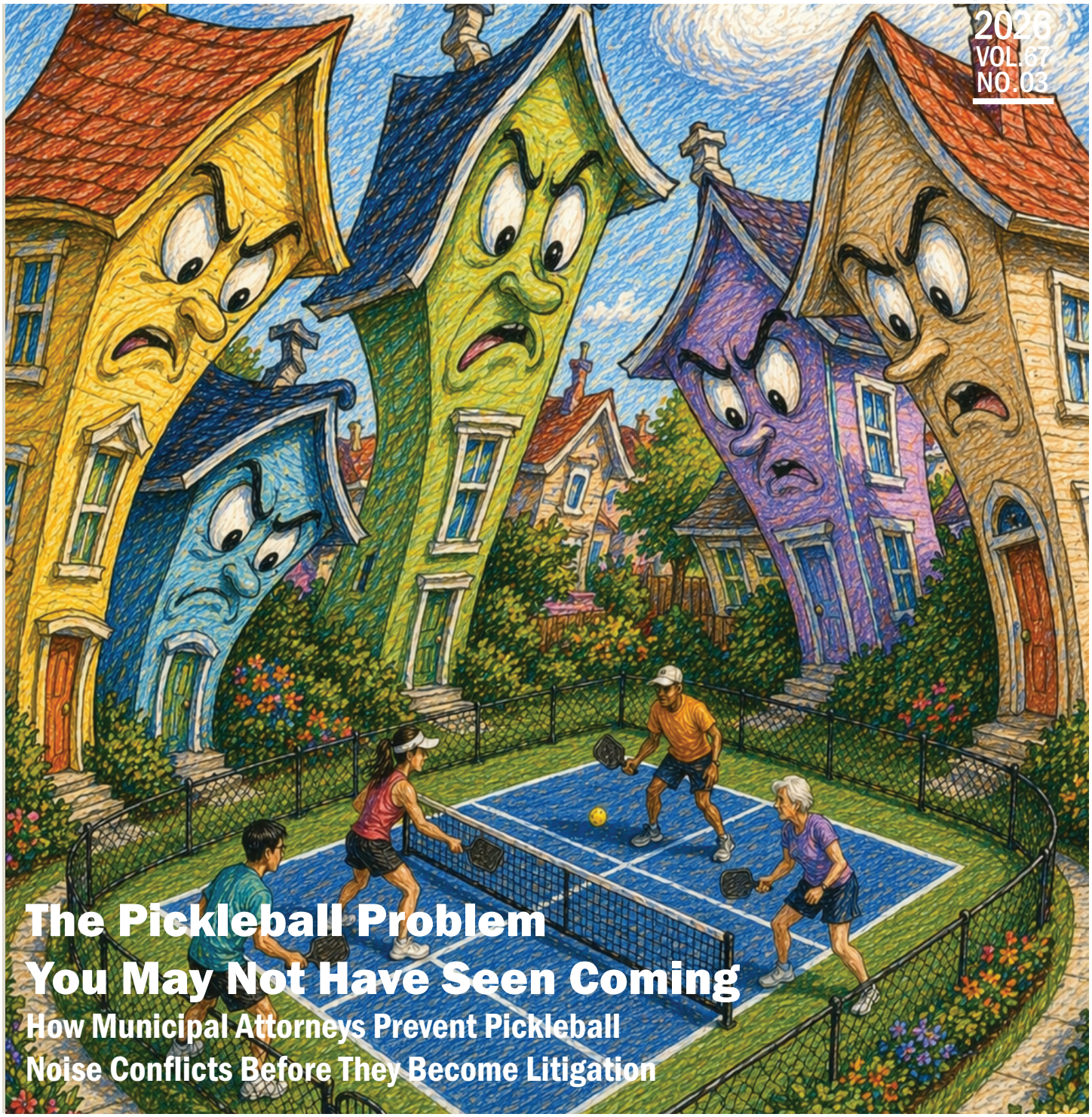
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The Pickleball Problem You May Not Have Seen Coming

How Municipal Attorneys Prevent Pickleball Noise Conflicts Before They Become Litigation



MENTOR'S CORNER

Forget What You Learned in Law School About Memo Writing



Most of us learned legal writing the same way: issue, rule, analysis, conclusion. If we really wanted to impress, we checked all our case citations for proper format, included multiple footnotes, and either tried to adhere to Brian Garner's simple legal writing advice or ignored him and stuck stubbornly with our "heretofores" and "forthwiths." Law professors appreciated our efforts and graded us accordingly.

Then we started working for cities.

And for many of us, we learned quickly that those finely crafted, near-perfect works of art earned you not a high grade but a phone call, *IF* you're lucky enough to get one. "Can you just tell me the answer in plain English?" Or "I don't have time to read this, what does it say?" But usually, you don't get a call; you can just tell later that they never read your memo.

Tamara Niles, city attorney of Englewood, CA, has experienced the same. "Rarely do staff members or elected officials read the entirety of legal analysis or recommendation memos. Multiple elected officials—who are busy professionals with their own primary careers—admitted to me that they often don't read past the first few sentences."

The vast majority of executives and electeds don't have time to read your entire legal analysis. All they want is the C in IRAC.

Once you accept this reality, your job becomes much easier and much more effective.

1. Start With the Answer. Always. Shaun Jacobs of the Los Angeles City Attorney's Office says: "Often your target audience does not read your full memo or legal analysis, so it is important to put your 'ask' or recommendation (e.g., settle, not settle, go to trial, etc.) right up front." What some attorneys do is start their memo with a "Short Answer" section, usually no more than a paragraph, and in plain, simple language, followed by a more traditional analysis section. Tamara includes her Short Answer directly in the body of the email and bolds the most relevant portions. She added, "I suspect that many Council Members only read these bolded portions."

2. Analyze for Those Who Need It. Starting with the end doesn't mean you can't ever include the explanation of how you got there. Everyone has a communication style, and some clients do want all the analysis and details. Part of being a good attorney for your client is to learn who prefers what style of communication and then write the memo they need, rather than the memo you prefer. You may also want to include the analysis for other reasons. For example, Tamara says she leaves the analysis in because it is "for the benefit of my team and for future reference should a similar issue come up again."

If the communication isn't a legal memo but rather a presentation in executive session or in a public meeting, you'll need to tailor your message to the situation.

3. Context Matters. Shaun noted that communication style can evolve as matters progress. He says communication style "depends on whether you have discussed the case or matter with the target audience in the past. If you have, you may be able to use shorthand to refer to the case or some of the issues it raises."

4. Keep It Simple. Most attorneys have large vocabularies, which we tend to pepper with legal terms and Latin. Your average client, no matter how smart they are, generally doesn't want to hear it and prefers things presented to them in a more conversational manner, with simplicity and clarity. Tamara, who has a background in journalism, shared that she was taught to write at a sixth-grade level, which is a standard she now applies to her Short Answer sections.

5. Tailor the Message. If the communication isn't a legal memo but rather a presentation in executive session or in a public meeting, you'll need to tailor your message to the situation. Ensure your PowerPoint slides have plenty of clear space, minimizing the number of words you include and the difficulty of the words. Practice your presentation in front of non-lawyers to make sure you can hold attention and drive home the main points in easy-to-understand language.

6. Use AI. (When Non-Confidential) When it comes to public presentations or written documents that don't contain confidential information, you can run them through AI and ask it to reword them so that they are on a sixth-grade level (or the grade level of your choice). While you must be careful to never put anything confidential in AI due to attorney-client privilege obligations, a public presentation or document is one area where it can be of some use to you.

Municipal law is a service profession. Our writing should serve the decision-makers we advise and help them make the hard decisions they face every day.

So, write the short answer. Put it at the top. Bold it if you must. Save the big words for later. Your clients will appreciate it. M.

This Mentor's Corner is provided by the mentors from the following cities:

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