

GUEST EDITORIAL

This issue of *Technostyle* comprises some of the papers which were delivered at the Annual CATTW Conference at the University of Windsor on 30 May 1988. That day the focus was on the interplay between technical writing and law. As you will see—or remember if you were there—this proved to be an extremely fruitful area, and yielded plenty of ideas and suggestions which we can use in our teaching of technical writing, whether the allied professional discipline happens to be law or not.

I don't want to spoil your anticipation by summarizing here what the ensuing articles cover, but maybe you will allow me to whet your appetites by picking out some of the points which particularly interested me.

Mr. Douglas Stoltz, Legislative Counsel in the Department of Justice in Ottawa, has contributed a paper on Legal Drafting in which he succinctly demonstrates the delicacy which is required in this undertaking because of the vital importance of saying exactly what you mean while having to deal with the "inherently ambiguous" nature of language. His paper contains a fascinating discussion of the use of "shall" in legal drafting: while dealing pragmatically with the legal implications of this word, he hints at the hidden psychological and hierarchical connotations of this term.

Professor Nicolas Joly's article on "The Writer and Copyright Law" takes us through some of the intricacies of the recently-amended Copyright Act. It is interesting to see that the penalties for infringement of copyright have been substantially increased. We may see an increase in litigation as a result of this.

Professor Janet Giltrow's paper discusses what is probably for most of us a new genre of writing: briefs to Government. I was particularly struck by her assertion that classical techniques of persuasion which stun one's opponents by their brilliance do not achieve the desired goal when used in this genre. Rather, the "successful brief expresses solidarity with the decision-making body" and "demonstrates good will toward the whole community." I had occasion recently to need to persuade in a piece of personal writing I was doing, and kept this point in mind. I attempted, as Professor Giltrow phrases it, "to disarm my opponent by embrace rather than attack". Her article will, surely, give us a fine, new perspective on the art of persuasive writing.

Professor Geoff Cragg tells us how he was captured by Dr. Joseph Williams' contention that the writing performance of first-year law students initially deteriorates because of the new and enormous pressures they are suddenly placed under. As teachers of writing we must all feel intrigued by this contention. Geoff Cragg shows sympathetic insight into the plight of the first-year law students who are required to write "with the authority of insiders to an audience of formidably knowledgeable insiders, when their lack of content mastery makes them very much outsiders". This was what my first-year law classmates used to protestingly describe as being both thrown in at the deep end and thrown to the lions—a suitably mixed metaphor. Professor Cragg describes two surveys he conducted; he is careful to stress their relative limitations in absolute statistical terms. However, as he points out, "the data have some descriptive importance". Moreover, the provocative issues which Professor Cragg lists as being worthy of more thorough investigation, and which he will address in his third survey, make excellent jumping off points for many of us to consider as we continue in our teaching of technical writing.

As I embarked on the editing of this special issue of *Technostyle*, Jennifer Connor sent me an article called "Resources for Teaching Legal Writing" by Russell Rutter. This appeared in *Research in Technical Communication* edited by Moran and Journet (Greenwood Press, 1985). If you are interested in pursuing the area of technical writing and law, this would make an excellent starting point: the article reviews the matter of legal writing studies, and devotes three pages to a bibliography of relevant publications.

The importance of good legal research has always been acknowledged in law schools; now the importance of good legal writing is being given more prominence. Although some older members of the profession are fearful of what they regard as "layman's English", and we can all see the danger of an over simplification which might fail to accommodate the intricacies of the law, there is a growing desire for the use of "plain English" in legal documents. As teachers of technical writing, we encounter pre-law students in increasing numbers in our classes. It is stimulating to be able to point out to these students that unless they write clearly they will lose credibility in their chosen profession, and to know that there is a burgeoning company of Law Professors, would-be Principals, Senior Partners, Benchers, and Judges who agree with us!

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