

# Rule Explanation Legal Writing Example

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## Rule Of Law Essay Example

???We are entitled to be proud that even in that extreme national emergency [the Second World War] there was one voice ??? eloquent and courageous ??? which asserted older, nobler, more enduring values: the right of the individual against the state duty to govern in accordance of law; the role of the courts as guarantor of legality and individual right, the priceless gift, subject only to constraints by law established, of individual freedom. ??? (Lord Bingham of Cornhill, The case of Liversidge v Anderson: the Rule of Law Amid the Clash of Arms, 2009) From my view, Lord Bingham expressed the importance of rule of law through the comment he gave in the case Liversidge v Anderson (1942). As he claimed in the rule of law that the right of the individual is getting protected against the state, and there is a duty for the state to conduct their power based on the law without abuses it. Courts are playing an important role to make sure the justice and individual right is achieved. Rule of law is a fundamental principle of the United Kingdom uncodified or unwritten constitution.

The principle is meant to control the exercise of public power within its limits. Besides that, Lord Steyn commented ??????in its second sense the rule of law is a general principle of constitutional law. Its central focus is to constrain the abuse of official power. It protects a citizen???s right to legal certainty in respect of interference with his liberties. It guarantees access to justice. It ensures procedural fairness over much of the range of administrative decision-making by officials.

??? Lord Steyn has given his opinion on the rule of law that the rationale behind it is to safeguard the citizen???s right against the abuse of power and ensure justice is achieved. Rule of law is term of political philosophy theory which lays down fundamental requirement of law. In 1959, Professor Joseph Raz notes that, the International Congress of Jurists came up with a definition ???a complete social philosophy. ??? giving a concept of a full panoply of civil, political, economic and social rights.

Lord Steyn had also commented ???it conveys the idea of government not under men but under laws???it addresses the moral dimension of public power. ???Lord Bingham in the statement above has made his stand that ??????the right of the individual against the state; duty to govern in accordance with law. It is being illustrated that there is a need to look into the importance of individual???s right against the public power and the state should act accordance the law which make no abuses. In Introduction to the Study of the Law of the Constitution, AV Dicey has made his influential statement of what he thought to be the rule of law. The first postulate is no man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of the law established in the ordinary legal manner before the ordinary courts of the land. It is clear that the post

RULE EXPLANATION LEGAL WRITING EXAMPLE IS A CRITICAL COMPONENT IN LEGAL DOCUMENTS, ENSURING CLARITY AND PRECISION IN COMMUNICATION. LEGAL WRITING SERVES AS THE BACKBONE OF EFFECTIVE ADVOCACY, AND UNDERSTANDING HOW TO EXPLAIN RULES IS ESSENTIAL FOR LAWYERS, PARALEGALS, AND LAW STUDENTS. THIS ARTICLE DELVES INTO THE SIGNIFICANCE OF RULE EXPLANATION IN LEGAL WRITING, OFFERING EXAMPLES, TECHNIQUES, AND BEST PRACTICES TO ENHANCE LEGAL DOCUMENTS.

## UNDERSTANDING THE IMPORTANCE OF RULE EXPLANATION

LEGAL WRITING IS NOT MERELY ABOUT PRESENTING FACTS; IT REQUIRES A SYSTEMATIC APPROACH TO CONVEY LEGAL PRINCIPLES CLEARLY AND PERSUASIVELY. RULE EXPLANATION ENCOMPASSES THE ARTICULATION OF LEGAL RULES, THEIR APPLICATIONS, AND IMPLICATIONS. THE EFFECTIVENESS OF A LEGAL DOCUMENT OFTEN HINGES ON HOW WELL THESE RULES ARE EXPLAINED.

## WHY RULE EXPLANATION MATTERS

1. CLARITY: CLEAR EXPLANATIONS OF RULES HELP ELIMINATE AMBIGUITY. LEGAL JARGON CAN OFTEN CONFUSE READERS, THUS A CONCISE RULE EXPLANATION CAN MAKE COMPLEX CONCEPTS MORE ACCESSIBLE.
2. PERSUASIVENESS: A WELL-ARTICULATED RULE CAN BOLSTER AN ARGUMENT. WHEN RULES ARE CONVINCINGLY EXPLAINED, THEY CAN INFLUENCE JUDICIAL DECISIONS AND SWAY OPINIONS.
3. CONSISTENCY: LEGAL DECISIONS ARE OFTEN BASED ON ESTABLISHED PRECEDENTS. CONSISTENTLY EXPLAINING RULES HELPS

ENSURE THAT ARGUMENTS ALIGN WITH LEGAL STANDARDS AND PREVIOUS RULINGS.

4. EDUCATION: RULE EXPLANATIONS SERVE AN EDUCATIONAL PURPOSE, ALLOWING CLIENTS AND LAYPERSONS TO UNDERSTAND THEIR LEGAL RIGHTS AND RESPONSIBILITIES.

5. PROFESSIONALISM: PRECISE LEGAL WRITING REFLECTS A LAWYER'S PROFESSIONALISM AND COMPETENCY. IT BUILDS TRUST WITH CLIENTS AND ENHANCES A LAWYER'S CREDIBILITY IN COURT.

## ELEMENTS OF EFFECTIVE RULE EXPLANATION

AN EFFECTIVE RULE EXPLANATION SHOULD INCORPORATE SEVERAL KEY ELEMENTS:

### 1. IDENTIFICATION OF THE RULE

START BY CLEARLY IDENTIFYING THE LEGAL RULE YOU INTEND TO EXPLAIN. THIS INCLUDES CITING THE RELEVANT STATUTE, REGULATION, OR CASE LAW. FOR EXAMPLE:

- RULE: UNDER THE FEDERAL RULES OF CIVIL PROCEDURE, RULE 12(B)(6), A DEFENDANT MAY MOVE TO DISMISS A COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED.

### 2. CONTEXTUALIZATION

PROVIDE CONTEXT FOR THE RULE. EXPLAIN WHERE IT FITS WITHIN THE LARGER LEGAL FRAMEWORK. THIS CAN INCLUDE:

- THE PURPOSE OF THE RULE
- HISTORICAL BACKGROUND
- RELEVANT CASE LAW THAT INTERPRETS THE RULE

### 3. APPLICATION OF THE RULE

DISCUSS HOW THE RULE APPLIES TO SPECIFIC FACTS OR SCENARIOS. THIS INCLUDES OUTLINING THE NECESSARY ELEMENTS THAT MUST BE DEMONSTRATED FOR THE RULE TO APPLY. FOR EXAMPLE:

- TO SUCCEED ON A MOTION TO DISMISS UNDER RULE 12(B)(6), THE DEFENDANT MUST DEMONSTRATE THAT THE PLAINTIFF'S COMPLAINT LACKS SUFFICIENT FACTUAL MATTER TO STATE A CLAIM.

### 4. IMPLICATIONS OF THE RULE

ELUCIDATE THE IMPLICATIONS OF THE RULE FOR THE PARTIES INVOLVED. THIS COULD INVOLVE:

- POTENTIAL OUTCOMES IF THE RULE IS APPLIED
- CONSEQUENCES FOR FAILURE TO COMPLY WITH THE RULE
- STRATEGIC CONSIDERATIONS FOR LEGAL PRACTITIONERS

# EXAMPLES OF RULE EXPLANATION IN LEGAL WRITING

LET'S EXPLORE A COUPLE OF EXAMPLES ILLUSTRATING EFFECTIVE RULE EXPLANATION IN LEGAL WRITING.

## EXAMPLE 1: CONTRACT LAW

**RULE:** UNDER THE UNIFORM COMMERCIAL CODE (UCC), A VALID CONTRACT REQUIRES AN OFFER, ACCEPTANCE, AND CONSIDERATION.

**CONTEXTUALIZATION:** THE UCC GOVERNS COMMERCIAL TRANSACTIONS IN THE UNITED STATES. ITS PURPOSE IS TO PROVIDE A STANDARDIZED SET OF RULES THAT FACILITATE COMMERCE AND REDUCE LITIGATION.

**APPLICATION:** IN A CONTRACT DISPUTE, TO ESTABLISH THAT AN ENFORCEABLE CONTRACT EXISTS, THE PLAINTIFF MUST PROVE THAT THERE WAS A CLEAR OFFER MADE BY ONE PARTY, AN UNQUALIFIED ACCEPTANCE BY THE OTHER, AND THAT BOTH PARTIES PROVIDED CONSIDERATION—SOMETHING OF VALUE EXCHANGED BETWEEN THEM.

**IMPLICATIONS:** IF A PARTY FAILS TO DEMONSTRATE ANY OF THESE ELEMENTS, THE COURT MAY FIND THAT NO VALID CONTRACT EXISTS, WHICH COULD RESULT IN THE DISMISSAL OF THE PLAINTIFF'S CLAIMS.

## EXAMPLE 2: CRIMINAL LAW

**RULE:** THE MIRANDA WARNING, AS ESTABLISHED IN *MIRANDA V. ARIZONA*, REQUIRES LAW ENFORCEMENT TO INFORM A SUSPECT OF THEIR RIGHTS BEFORE INTERROGATION.

**CONTEXTUALIZATION:** THIS RULE EMERGED FROM THE NEED TO PROTECT FIFTH AMENDMENT RIGHTS AGAINST SELF-INCRIMINATION. THE SUPREME COURT'S RULING IN THIS CASE MANDATED THAT SUSPECTS MUST BE MADE AWARE OF THEIR RIGHTS, THUS SAFEGUARDING THE INTEGRITY OF THE CRIMINAL JUSTICE PROCESS.

**APPLICATION:** IF A SUSPECT IS INTERROGATED WITHOUT BEING GIVEN THE MIRANDA WARNING, ANY STATEMENTS MADE DURING THAT INTERROGATION MAY BE DEEMED INADMISSIBLE IN COURT. THEREFORE, LAW ENFORCEMENT OFFICERS MUST ENSURE THAT THEY PROVIDE THE WARNING PRIOR TO ANY QUESTIONING.

**IMPLICATIONS:** FAILURE TO PROVIDE A MIRANDA WARNING CAN LEAD TO SIGNIFICANT REPERCUSSIONS FOR THE PROSECUTION, INCLUDING THE INABILITY TO USE CRITICAL EVIDENCE AGAINST THE SUSPECT, WHICH COULD ULTIMATELY AFFECT THE OUTCOME OF A TRIAL.

## BEST PRACTICES FOR WRITING RULE EXPLANATIONS

TO ENHANCE THE EFFECTIVENESS OF RULE EXPLANATIONS, CONSIDER THE FOLLOWING BEST PRACTICES:

1. **USE PLAIN LANGUAGE:** AVOID LEGALESE AND JARGON WHERE POSSIBLE. USE STRAIGHTFORWARD LANGUAGE TO ENSURE THAT YOUR AUDIENCE UNDERSTANDS THE CONTENT.
2. **BE CONCISE:** WHILE THOROUGHNESS IS IMPORTANT, CLARITY IS OFTEN BEST ACHIEVED THROUGH BREVITY. AVOID UNNECESSARY DETAILS THAT MAY DISTRACT FROM THE CORE EXPLANATION.
3. **ORGANIZE LOGICALLY:** STRUCTURE YOUR EXPLANATION IN A LOGICAL ORDER. TYPICALLY, THIS INVOLVES STATING THE RULE, PROVIDING CONTEXT, APPLYING THE RULE, AND DISCUSSING IMPLICATIONS.
4. **CITE SOURCES:** ALWAYS PROVIDE CITATIONS FOR THE RULES YOU EXPLAIN. THIS NOT ONLY BOLSTERS YOUR CREDIBILITY BUT ALSO ALLOWS READERS TO CONSULT THE ORIGINAL SOURCES FOR FURTHER INFORMATION.

5. **USE EXAMPLES:** INCORPORATE PRACTICAL EXAMPLES TO ILLUSTRATE HOW A RULE OPERATES IN REAL-WORLD SITUATIONS. THIS HELPS DEMYSTIFY COMPLEX LEGAL CONCEPTS.

6. **REVISE AND EDIT:** AFTER DRAFTING YOUR RULE EXPLANATION, REVIEW IT FOR CLARITY, COHERENCE, AND CONCISENESS. EDITING IS ESSENTIAL TO ENSURE THAT YOUR WRITING IS POLISHED AND PROFESSIONAL.

7. **SEEK FEEDBACK:** IF POSSIBLE, OBTAIN FEEDBACK FROM PEERS OR MENTORS. THEY CAN PROVIDE INSIGHTS INTO HOW EFFECTIVELY YOUR EXPLANATIONS COMMUNICATE THE INTENDED MESSAGE.

## CONCLUSION

IN CONCLUSION, A RULE EXPLANATION LEGAL WRITING EXAMPLE SERVES AS A VITAL TOOL IN THE LEGAL PROFESSION. BY CLEARLY IDENTIFYING AND ARTICULATING LEGAL RULES, THEIR APPLICATIONS, AND IMPLICATIONS, LEGAL PROFESSIONALS CAN ENHANCE THE CLARITY AND PERSUASIVENESS OF THEIR WRITING. BY IMPLEMENTING BEST PRACTICES, SUCH AS USING PLAIN LANGUAGE, ORGANIZING CONTENT LOGICALLY, AND INCORPORATING EXAMPLES, LEGAL WRITERS CAN CREATE IMPACTFUL DOCUMENTS THAT EFFECTIVELY COMMUNICATE COMPLEX LEGAL PRINCIPLES. MASTERING THE ART OF RULE EXPLANATION IS NOT JUST BENEFICIAL; IT IS ESSENTIAL FOR SUCCESS IN THE LEGAL FIELD.

## FREQUENTLY ASKED QUESTIONS

### WHAT IS RULE EXPLANATION IN LEGAL WRITING?

RULE EXPLANATION IN LEGAL WRITING REFERS TO THE CLEAR AND CONCISE ARTICULATION OF A LEGAL RULE OR PRINCIPLE, OFTEN DETAILING ITS APPLICATION AND IMPLICATIONS IN A SPECIFIC CONTEXT.

### HOW DO YOU STRUCTURE A RULE EXPLANATION IN LEGAL WRITING?

A RULE EXPLANATION TYPICALLY STARTS WITH A STATEMENT OF THE RULE, FOLLOWED BY ITS RATIONALE, RELEVANT EXCEPTIONS, AND EXAMPLES THAT ILLUSTRATE HOW THE RULE IS APPLIED IN PRACTICE.

### CAN YOU PROVIDE AN EXAMPLE OF A RULE EXPLANATION?

FOR EXAMPLE, IN CONTRACT LAW, THE RULE OF 'CONSIDERATION' STATES THAT A CONTRACT IS ONLY VALID IF SOMETHING OF VALUE IS EXCHANGED. THIS MEANS BOTH PARTIES MUST OFFER SOMETHING BENEFICIAL TO THE OTHER FOR THE CONTRACT TO BE ENFORCEABLE.

### WHAT ARE COMMON PITFALLS TO AVOID IN RULE EXPLANATIONS?

COMMON PITFALLS INCLUDE USING OVERLY COMPLEX LANGUAGE, FAILING TO PROVIDE CLEAR EXAMPLES, AND NOT ADDRESSING POTENTIAL COUNTERARGUMENTS OR EXCEPTIONS TO THE RULE.

### WHY IS IT IMPORTANT TO INCLUDE EXAMPLES IN RULE EXPLANATIONS?

INCLUDING EXAMPLES IN RULE EXPLANATIONS HELPS TO CLARIFY THE APPLICATION OF THE RULE, MAKING IT EASIER FOR READERS TO UNDERSTAND HOW IT OPERATES IN REAL-LIFE SITUATIONS.

### HOW CAN LEGAL WRITERS IMPROVE THEIR RULE EXPLANATIONS?

LEGAL WRITERS CAN IMPROVE THEIR RULE EXPLANATIONS BY PRACTICING CLARITY, USING PLAIN LANGUAGE, SOLICITING FEEDBACK FROM PEERS, AND STUDYING EFFECTIVE LEGAL WRITING STYLES.

## WHAT ROLE DOES AUDIENCE AWARENESS PLAY IN RULE EXPLANATION?

AUDIENCE AWARENESS IS CRUCIAL IN RULE EXPLANATION, AS UNDERSTANDING THE BACKGROUND AND KNOWLEDGE LEVEL OF THE AUDIENCE ALLOWS THE WRITER TO TAILOR THE EXPLANATION FOR MAXIMUM COMPREHENSION AND RELEVANCE.

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