

Writing as a Contract Attorney: Interview with Lucy Dowd

When dreaming of your future career, it is not often one considers how much writing will be in their chosen field. Since I was in middle school, I have wanted to be a lawyer. It began as a shiny dream to help people. Through the years I have continued this dream and seen more of the realities of choosing this profession. Especially after my interview, I now have a more practical view of the work and writing that occurs in the law profession. From my interview with Lucy Dowd, I learned that there are various types of writing, how she learned to do this writing, and how to be prepared for writing any document.

I interviewed an attorney, named Lucy Dowd, who has over 30 years of experience in the field of law. Lucy graduated from Seton Hall University law school in 1987. She currently owns Lucy Dowd LLC, where she works with a virtual team of attorneys on estate planning, estate administration, wills, trusts, special needs trusts, guardianships, and elder law. Before the creation of her law firm in 2010, Lucy worked for law firms in Pennsylvania and New Jersey. Her expansive experience provides a great look into writing in the law profession. As an attorney, writing is one of your main methods of communication. Lucy said, “it may be high but about 75% of my work deals with writing.” Writing appears in various forms for Lucy. We will begin by looking at four types of writing Lucy faces and her various approaches to these genres.

First, writing is important in writing legal documents like estate plans, trusts, and wills. The main audience of these documents could be anyone young or old, single or married who wants to make provisions for kids, pets, or money. Other legal documents like special needs trusts or guardianships are representing children, parents of children, and adults with special needs. These documents need to be clear and address the issue or concern. Usually, there is a specific format but depending on the client’s needs, this will be different for various clients.

Second, are documents that are written specifically for courts like legal briefs and appeals. Lucy told me that when writing documents for a judge, she “never wants to use any kind of patronizing tone or any kind of words like obviously or clearly.” By doing so, she sees it as disrespectful to the judge. She prefers to focus on accuracy and persuasiveness in the document because these documents can be the hardest to write and can sometimes be the most time-consuming of her job. By focusing more on the content of the writing, the judge will hopefully rule in favor of her client.

Third, writing is crucial in communication with clients. Lucy corresponds a lot through email with her clients daily. These emails can be short back and forths or lengthier correspondence on important topics. For either type of email, most of her clients are unfamiliar with legal terms so her strategy is “to use simple sentences that never talk down to a client.” By making sentences short and concise, it can help clients understand the email. She recommends putting yourself in the client's shoes and asking yourself “if I didn't go to law school, would I understand this sentence?” She finds that many new attorneys “are trying to impress the client with their vocabulary and how many legal terms they know, but clients just want to be told information as clearly and directly as possible.” It is more important for the client to understand the email initially, as it will save you time not needing many responses or needing to schedule a meeting for you to explain what the email was trying to say.

Fourth, writing is important for communication within her team. This writing is less formal than with clients. It is conducted largely through email, phone calls, or meetings. Lucy explained that these emails are not generally through your normal email but more secure case management software for privacy concerns. For email correspondence, these can be crucial to work out drafting content for important documents, checking in on the status of documents, or

addressing concerns or issues clients bring up. There is also more informal communication through a secure texting software to communicate faster on some issues. Next, we can learn more about how she learned how to write legal documents.

Legal documents make up the core reason clients come to her, so I wanted to know how she knew how to write these important documents. Lucy told me that she was fortunate enough to work at a legal clinic at her law school under the supervision of a professor who was also an attorney. She said the professor “would critique my writing, but she never really told me how to write.” There was an expectation that from her previous education she would know how to write certain documents but did not always know how to write what was expected.

When Lucy began working at a law firm, she noted that “there were definitely different types of documents that I was expected to write that I had never done before or seen before.” When this challenge was presented to her, what people told her to do was to “look on a firm database for a document that is similar to the one you need to write.” However, Lucy believes that this is not necessarily the best way to go about it. She said, “it isn’t always the best idea because documents are fine-tuned to a client, and by using that approach you could miss a key part of the document that should be included.” What she recommends is that you reference form books, which have online versions now, where you can find “the basic format for certain documents like a will, power of attorney, [and] contract.” When you have the format, then you can fine-tune it for the client, and “through experience and getting feedback from other attorneys” you will begin to develop the knowledge of what to include in these documents.

Lucy said that “really trial by error and there’s no set way to do it. Sometimes I still find I’m being asked to draft something I’ve never done before.” Writing as an attorney is a process

that never ends, even with being in the law profession for 30 years, Lucy still takes to continue learning about document writing.

Lastly, when asked if there was ever a time that she felt unprepared as a writer, Lucy explained that it wasn't always writing, in general, she felt unprepared about, but legal writing she felt unprepared for. In college, Lucy did lots of writing and felt like she was fairly confident in her writing mechanics, though, "it was the legal writing I felt less confident about." In hindsight, she wishes she would have paid more attention in her legal and writing class in the first year of law school. But due to the "frazzled feeling" of the first year and a boring professor, she didn't take as much along with her through her next years. She believes that even though she didn't have a solid legal foundation for her writing, "having the basic mechanics has helped [her] a lot." Lucy said that many people feel unprepared about writing "anytime you're thrown into a new job or profession that is so heavily focused on writing" but "again having the basic mechanics helped me a lot." By building up basic writing mechanics, you can be prepared for any writing assignment, project, or document you have to write.

I learned a lot from Lucy about her writing as an attorney, though I still have some questions I wish I would have expanded upon. She thoroughly explained various kinds of writing in her profession and important points about the audience, tone, and content. She explained how she learned to do this writing and how she felt prepared for writing any document by knowing the basic mechanics of writing. However, there are still some lingering questions I have about what she does to focus on accuracy and persuasiveness in legal writing for the court. How does she tackle writing a will, trust, or estate plan now compared to when she first began? Are there different ways she goes about planning it or writing the initial drafts? Also, I still don't know much about the specific content of these documents, and I wonder what are some of the basic

sections of these documents that are standard? What must always be included versus something that could be added based on a client's need? And finally, she explained how basic mechanics of writing helped even when feeling uncertain about legal writing, but I want to know what specific writing mechanics she found useful for legal writing and how she came to learn them? Overall, this interview provided a brief look into the writing of one type of attorney.