

Tips on Effective Brief Writing

Because fewer than 25% of briefed cases are given oral argument, the brief may be your only chance to argue your position.

Briefs should be written so that you get your important contentions before the court.

Cite statutes, cases, etc. according to a uniform system, such as that set out in *The Bluebook: A Uniform System of Citation*.

Make an effort to present only a few questions or issues for review.

The questions you select should be stated clearly and simply.

A brief that assigns a dozen errors and treats each as being of equal importance when some are clear losers may suggest that none are very good.

The statement of facts should set forth a brief and objective account of the pertinent facts, with references to the record to support and verify each statement.

Do not omit relevant unfavorable facts.

If you marshal the facts well, the relevant points of law often develop naturally.

An effective statement summarizes the facts and persuades the reader that both justice and precedent require a decision for your client.

Appellees should give their own statement of facts if they believe that the facts have not been fairly presented by the appellant; however, they should not needlessly repeat the appellant's statement.

Use appropriate headings.

Short paragraphs with topic sentences and frequent headings help the court follow and understand the points you are making.

If the important record reference is short enough, quote the record. Use the documents at issue themselves.

Emphasize reason, not merely precedent. A few good cases, with sufficient discussion to show that they are relevant, are preferred over string citations.

If a case is worth citing, it usually has a quote which will drive the point home. Clarity, simplicity, and accuracy are paramount.

Use italics and footnotes sparingly.

Statements, citations, and quotations must be accurate.

Counsel should carefully proofread briefs for errors.

Again, proofread!

Put yourselves in the judges' position. Write the briefs almost as your client would like to see the opinion written. Think about what the judges must do to affirm or reverse, and structure the briefs accordingly.