The Briefwriter's Credo

By Ross Guberman

How about some New Year's resolutions for your advocacy writing?

In 2009, resolve to make briefwriting more of a science and less of an art. Use these ten principles as a starting point for your work:

TEN RESOLUTIONS

- 1. Each heading gives the judge a reason to do what is in the caption.
- 2. Each paragraph begins with a reason the judge should endorse the heading.
- 3. Each paragraph opening follows logically from the first sentence of the paragraph before.
- 4. Each paragraph opening flows smoothly from the end of the paragraph before.
- 5. The remaining sentences in the paragraph develop the first sentence logically.
- 6. Each case discussion tells the judge no more and no less than what the judge needs to know about the case to understand why the judge should do what you're asking for in the current motion or brief.
- 7. Each sentence contains the fewest number of words needed to make the point.
- 8. No point is made more than once in each section.
- 9. Each sentence begins with something the judge understands from the previous sentence so the paragraphs flow logically and smoothly.
- 10. Abstract doctrines and rules are linked to one of the following four actors: the parties, a class of parties such as plaintiffs or defendants, the Court, or courts.