

Introduction

I'm sure you took a legal writing course in law school. I did, too. I was disappointed to learn, once I became an actual lawyer, that the writing course had absolutely no use in the real world.

You may also have been involved in moot court. In doing so, you had the opportunity to write briefs. Again, as I discovered, those briefs have very little value in the real world of practicing law.

You are not born with the ability to write persuasive, effective briefs. And, unfortunately, you are not taught in law school how to do it, either. You can be a good writer—string sentences together, use proper grammar—and still not be able to write a good brief.

“Why should this be?” I hear you asking.

The reason is simple. Briefs are strange hybrid creatures, a combination of legal reasoning and good storytelling. You might be able to write a novel, and yet your legal briefs are unpersuasive. You need to be able to construct a persuasive legal argument in support of your client's case while telling your client's story. In law school, the focus is on your reasoning, not the elegance of your prose.

Because the practice of law is an art, not a science, you may find that your writing style is different from mine or from your colleague's. But the aim of every brief is always the same—to persuade. This means that there are funda-

mentals that you should adhere to in order to create a good brief, and there are big mistakes that you must avoid.

Many lawyers have written books—tomes, really—on the basics of good brief writing. This book is a brief guide to brief writing, not a tome, and my aim is to allow you to use it as an outline or a refresher for whatever brief you must write, whether it's a main brief, reply brief, or sur-reply, and whether it's a lower court or appellate brief.

I hope that in addition, this book will enable you to enjoy telling your client's story persuasively and effectively.