



Write Smarter, Not Harder: How to Edit a Brief in 15 Minutes

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What makes legal writing hard for most of us?

- We're trained to be thorough, not clear
- We're pressed for time and resources
- We cling to conventions that obscure



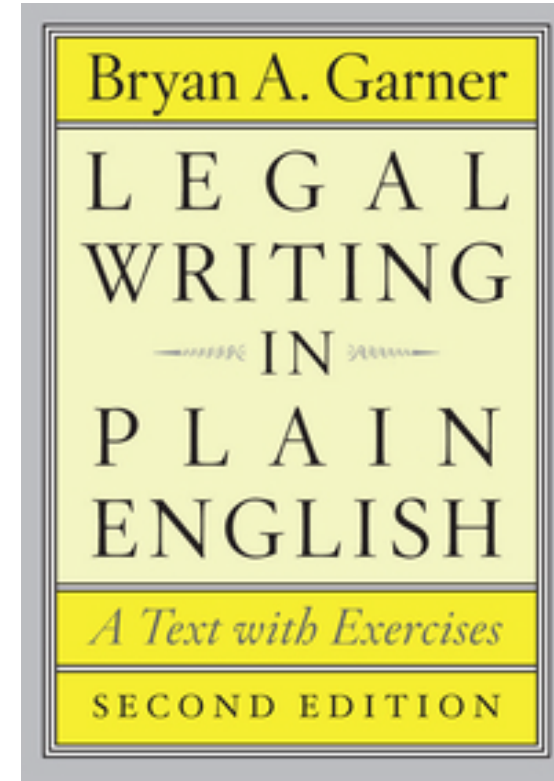
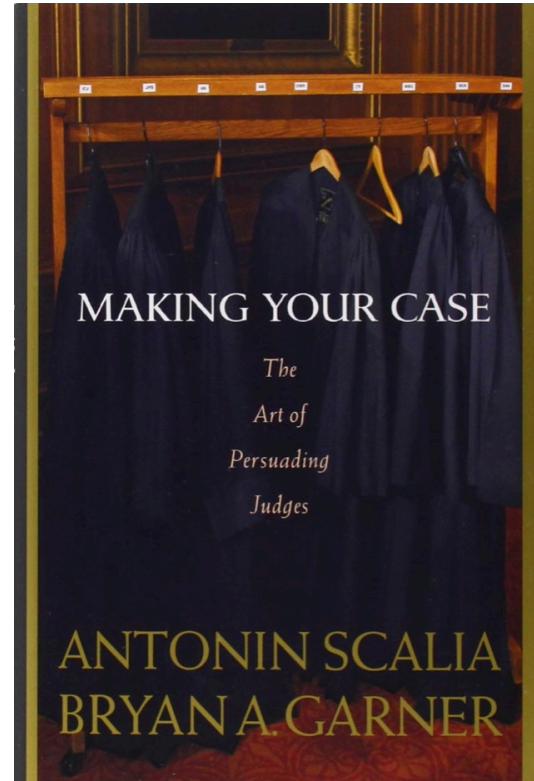
Good writing isn't hard, you're just too busy!
The solution? Write smarter, not harder!

Agenda

- What makes a good trial court brief different?
- Making your introduction count
- Organization and readability
- “ #@\$% the Bluebook”
- Highlighting Documentary Evidence
- Make AI your best associate
- Edit a brief in 15 minutes



Plagiarism Notice



Great Trial Court Briefs Are:

- Different from appellate briefs or long civil briefs
- They are:
 - Short – almost never more than 5 pages
 - Clear – clear objectives; plain language
 - Focus on facts and evidence rather than law
 - Big picture legal principles
 - Strongly analogous cases



Elevating Purpose Over:

Sounding
“lawyerly”

Habit

Forms

“The way
it’s done”

The
“Rules”*



Make Your Introduction Count

- Judges and law clerks are busy and have short attention spans
- Never start like this:

Defendant's Motion to Suppress

Now comes the Defendant, John Smith, by and through his counsel, Bob Jones and Andrea Johnson, of the Public Defender Corporation for the 51st Judicial Circuit, and respectfully moves the Court for the relief requested herein, and further states in support as follows:

Make Your Introduction Count

- A winding, dramatic opening is just as bad:

“In the annals of our justice system, few cases so starkly illuminate the fragile balance between liberty and order as this one. The Defendant now stands at the crossroads of fate and consequence, facing allegations that threaten not only his freedom but the very core of his dignity. Against this backdrop of constitutional magnitude, the defense respectfully submits this memorandum in opposition to the State’s motion.”



Make Your Introduction Count

- Instead, use the court's time to immediately focus on what you want and why.
- Use clear language and no more than three short sentences:
 - Sentence one: "This is what happened"
 - Sentence two: "This is what the law requires"
 - Sentence three: "This is what I want."



Make Your Introduction Count

Defendant's Motion to Suppress

The investigating officer questioned eleven-year-old defendant J.C. for four hours before counsel arrived at the station. Although the officer believed that J.C. had waived his right to an attorney, a juvenile's waiver of a constitutional right is only valid if it is done upon the advice of counsel. As a result, the Court should grant J.C.'s motion and suppress his so-called "confession."

Keep Your Brief Short and Organized

- Almost never more than five pages
- Focus on key facts—don't recite the entire file
- Avoid unnecessary “legal standards”
- Limit citation to authority—“string cites” aren't as persuasive as you think they are
 - One “Big Idea” case
 - One analogous example



Keep Your Brief Short and Organized

- If your brief is more than two pages, it needs headings
- Headings should be full sentences that can be read as an outline of your argument

A. Facts

1. Factual Background
2. Procedural Background

B. Argument

1. Legal Standard
2. Right to Attorney
3. Waiver

C. Conclusion

A. Facts

1. J.C. is detained and questioned.
2. After four hours, J.C. “Confesses”
3. J.C.’s attorney arrives.

B. Argument

1. A statement must be suppressed when it is obtained in violation of a constitutional right.
2. J.C. had a constitutional right to an attorney during his interrogation, which could only be waived on advice of counsel.
3. J.C. never knowingly waived his right to counsel

C. Conclusion

1. Because J.C. never waived his right to counsel, his “confession” must be suppressed.

Better Block Quotes

- There is a critical disconnect between writers and readers when it comes to block quotes.
- Writers use block quotes because they believe the material is so *important* that it can't be omitted. Readers skip them.
- Avoid where you can. Excerpt critical statements and connect them with descriptive conjunctive phrases:
 - “He then added” – “the witness went on to specify that” – “most importantly, she noted.”

Better Block Quotes

- If you *must* use a block quote:
 - Work hard to keep it as short as possible –don't expect the reader to do that work.
 - Introduce the quote with a paraphrase
 - Shorten the quote by using ellipses and eliminating unnecessary internal citations and quotations
 - "(cleaned up)."

Better Block Quotes

- Here's an example of a traditional block quotation from an expert on juvenile justice:

4. Reformation

A juvenile like J.C., who has no history of offending behavior, school problems or anti-social behavior more generally, is a good candidate for rehabilitation through the juvenile justice system. Dr. Thomas Grisso, a leading authority on adolescent development and adolescents in the juvenile justice system, and Professor Elizabeth Scott from Columbia Law School have undertaken a comprehensive review of studies of adolescent offending and desistance from offending. They have determined:

[S]ubstantial evidence indicates that many adolescents become involved in criminal activity in their teens and desist by the time they reach young adulthood. . . . For most adolescent delinquents, desistance from antisocial behavior [] seems to be a predictable component of the maturation process. Only a small group of young offenders will persist in a life of crime.

A representative sample of adolescents involved in criminal activity will include a large group whose antisocial conduct is 'adolescence-limited' and a much smaller group whose antisocial conduct is 'life-course-persistent.' Although some youth in the latter group initiate antisocial behavior in adolescence, many display a variety of problem behaviors, beginning early in life and persisting through adolescence into adulthood. Of those whose adolescent delinquent conduct is a continuation of earlier antisocial behavior, many, although certainly not all, will become career criminals. However . . . most youth who engage in delinquent conduct have little notable history of antisocial conduct in childhood; nor will the conduct continue into adulthood. Involvement in criminal activity and other antisocial behavior begins in adolescence and tends to follow a 'natural onset and recovery process.'

Elizabeth Scott & Thomas Grisso, *The Evolution of Adolescence A Developmental Perspective*

Better Block Quotes

- Here's how to make it easier on the reader:

A juvenile like J.C., who has no history of offending behavior, school problems or anti-social behavior more generally, is a good candidate for rehabilitation through the juvenile justice system. Indeed, studies show that a juvenile offender's antisocial conduct rarely persists into adulthood:

A representative sample of adolescents involved in criminal activity will include a large group whose antisocial conduct is 'adolescence-limited' and a much smaller group whose antisocial conduct is 'life-course-persistent' Of those whose adolescent delinquent conduct is a continuation of earlier antisocial behavior, many, although certainly not all, will become career criminals. However . . . most youth who engage in delinquent conduct have little notable history of antisocial conduct in childhood; nor will the conduct continue into adulthood. Involvement in criminal activity and other antisocial behavior begins in adolescence and tends to follow a 'natural onset and recovery process.'

Elizabeth Scott & Thomas Grisso, *The Evolution of Adolescence A Developmental Perspective on Juvenile Justice Reform*, 88 J. Crim. L. & Criminology 137, 154-155 (1997) (emphasis added).

Drop the Dramatic Closing

- “For the reasons stated above, the Court should grant the defendant’s motion and
”
.....
- Be absolutely clear about the relief you seek (and any alternative)
- Example— the State violated *Brady*: so what?



“#@\$\$% the Bluebook”

- The Bluebook is not intended for effective citations in trial court briefs!
- The goal of a case citation is to communicate: what the case means and where to find it.



Smarter Citations

- Don't get hung up on abbreviations and conventions -- use names that make sense.
- Ignore irrelevant subsequent history
- For electronic citations, use hyperlinks and addresses that the Court can use.
- Reorganize “string cites”
- Use parenthetical citations to persuade



Smarter Citations

“Cleaned up”



“#@\$\$% the Bluebook”

- The reality is, virtually no one follows the Bluebook, and no one will know if you do either.
- Be consistent, logical, and focus on common sense and persuasion



Using Documentary Evidence in Briefs

- The clarity and persuasiveness of a brief can substantially improved through the *effective* incorporation of documentary evidence.
- Anything you can see on your screen can be included in a brief.
- Why?
 - Incorporating documents themselves give your briefs a professional look and visual appeal
 - Original documents establish greater credibility and command of facts
 - Original documents convey information that summaries cannot.
- This is not just “cosmetic.” It fundamentally changes the way courts perceive your evidence

What Kinds of Documentary Evidence Can We Use?

- Done properly, we can incorporate almost any kind of physical evidence into a trial court brief:
 - Police reports
 - Expert reports
 - Business Records
 - Handwritten documents
 - Transcripts
 - Photographs
 - Text messages
 - Video/Audio Recordings

Examples of Effective Use of Screenshots

- Transcripts – use a screenshot of the court’s own words to show emphasize the gravity of a prior ruling and demonstrate that you are not paraphrasing or mischaracterizing what happened:

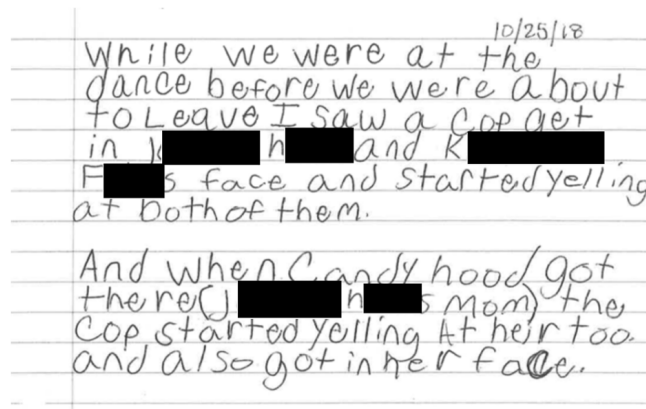
In response to the State’s representation, the Court granted the State’s motion for a continuance, but specifically ordered the prosecutor to “inform the Court” if the State was unable to secure the alleged victim’s attendance for the next trial date. *See id.* at 21:4-9. The Court made clear the consequences if the State did not procure the alleged victim’s attendance:

16	THE COURT: I will give the State one more opportunity
17	and that's it. I'm not going to keep wallowing this case
18	around. If you can't get the victim here, you can't get
19	the victim here. If you have to dismiss, then, you know,
20	whoever indicted it should have understood what the
21	weaknesses were with regard to the -- where the victim is
22	and getting her here.

Examples of Effective Use of Screenshots

- Handwritten evidence:

The alleged victim's false statement to police also demonstrates that a child's insincere testimony can be hard to recognize. Here is a copy of the statement M.F. wrote in support of her mother's fraudulent scheme:

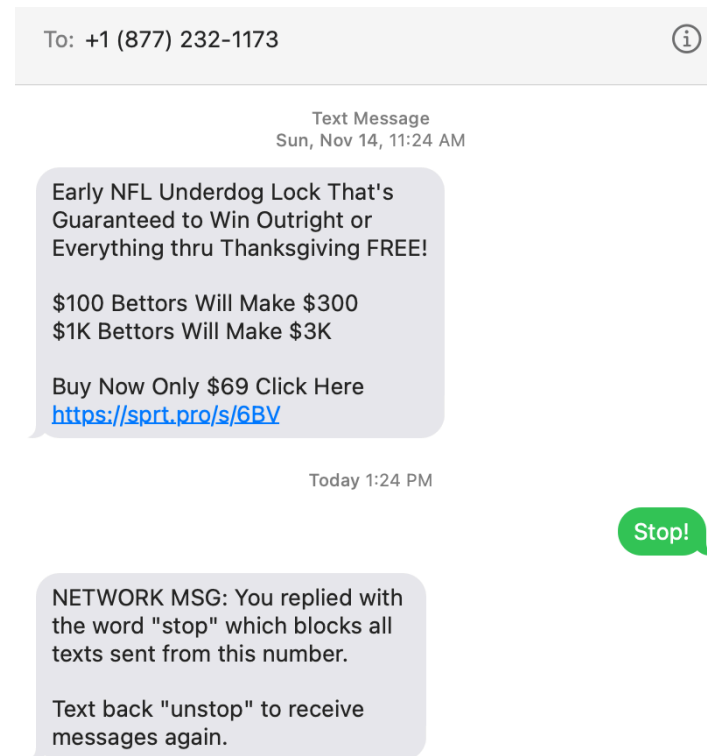


10/25/18
While we were at the dance before we were about to leave I saw a cop get in [redacted] h [redacted] and K [redacted] F [redacted]'s face and started yelling at both of them.
And when Candy hood got there (J [redacted] h [redacted] mom) the cop started yelling at her too and also got in her face.

If you didn't know this statement was completely fabricated, there would be little reason to doubt it—just as juries are inclined to believe a child's apparently sincere testimony about alleged sexual abuse. But the Court knows better, and should take into account the alleged victims' history of providing false statements.⁶

Examples of Effective Use of Screenshots

- Text message conversations :



Examples of Effective Use of Screenshots

- Social Media Posts:



More than Screenshots

- Audio/Video
 - Create a screenshot, as above
 - Turn screenshot into a “hyperlink”
 - Create and use your own account (e.g., youtube) if possible
- Hyperlinked appendices/exhibits
- Get creative!
 - E-filing increasing opportunities
 - Courts love it—and are increasingly using it
 - *Sawyer v. Asbury* - 861 F.Supp.2d 737

Hire an Associate for Free (Artificial Intelligence Tools)

- Every major AI platform—ChatGPT, Claude, Gemini, Grok—has the ability to supercharge your legal writing, **BUT**:
 - **DO**: Handle confidential and privileged information with care, and stay current with ethical rules and new developments!
 - **DO NOT**: Rely on AI for legal research or case citations. Ever. Ever.
- AI is a valuable tool, but you and only you are responsible for how you use it and what you submit to a court!

How NOT to use AI

- “Find a case about X”
- “What’s the law on Y”
- “Write a brief about Z”

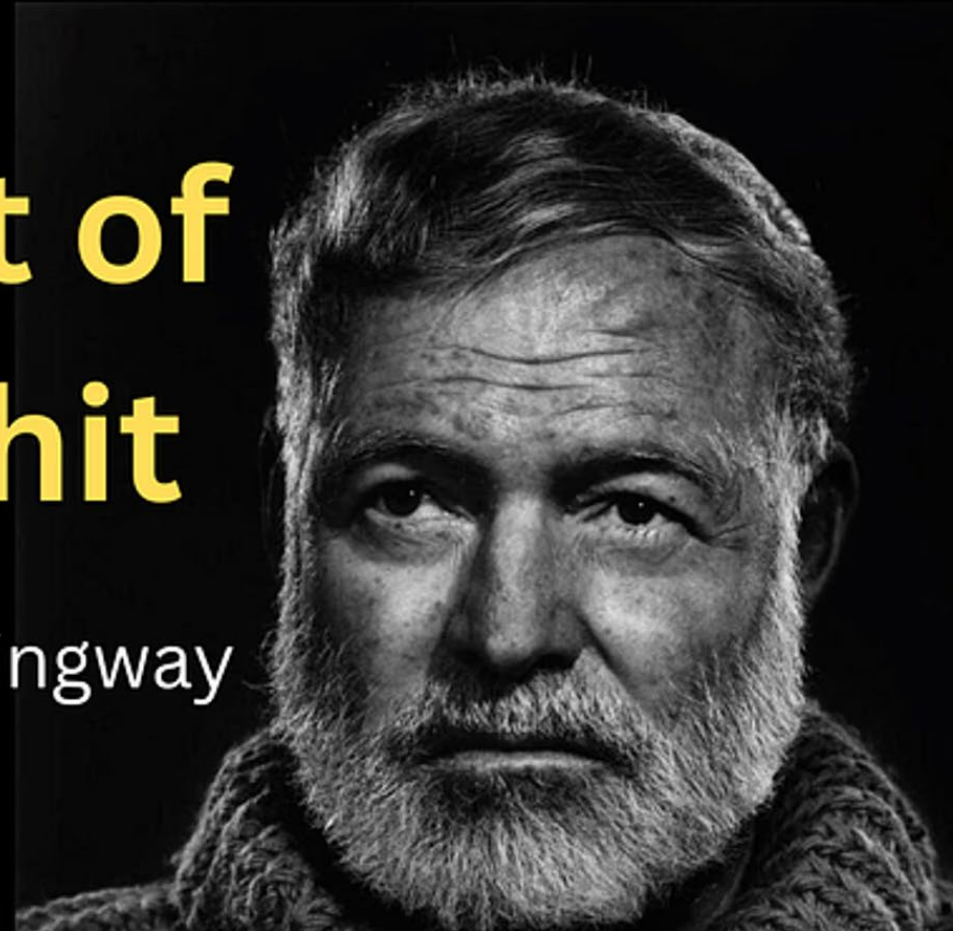
Making AI Work

- Check this paragraph for typos or clunky phrasing.
- Draft an introduction like Bryan Garner would.
- Help me shorten this to 4 pages
- I want to say X—help me say it more clearly
- Turn this email into an outline
- Suggest better headings
- What's the weakest part of my brief? Be critical. Suggest ways to make it stronger
- How do you think the prosecutor will respond?
- Create a timeline/chart/etc.
- Make this punchier or sharper or more polite

Good writing is re-writing

**The first draft of
anything is shit**

-Ernest Hemingway



Clarity Wins Cases: How to Edit a brief in 15 minutes

- Fix the introduction using three-sentence format (2-3 minutes)
- Create descriptive headings (2-3 minutes)
- Shorten sentences (3 minutes)
- Make more paragraphs (2 minutes).
- Screenshot the most important document/evidence (3 minutes)
- Conclude with an ask (1minute).
- Ask AI (Bonus Time)

What if you only have 5 minutes?
Any one of these strategies will help!

Happy to Help!

- Email: rdonovan@hfdrlaw.com
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Thanks!

