

BRIEF WRITING FORMULA

QUESTION PRESENTED

Restate issue on appeal persuasively and creatively to favor your client.

Preferably do not use “whether,” but rather, form the issue as a question (does, did, can, etc.) and end it with a question mark.

Question should be answered in the affirmative. (Great way to double check whether the question is persuasive for your side of the argument).

Does not need to be numbered since there is only one question presented on appeal.

STATEMENT OF FACTS

Reorganize and redraft the facts to put a persuasive slant on them. Be careful: do not misstate facts or delete important “bad facts.”

Do not characterize the facts.

The statement of the facts should NOT be argumentative. Your argument will come later in the brief.

When drafting this section, arrange the facts in chronological order.

ARGUMENT

I. ISSUE ONE: SHOULD PERSUASIVELY ENCOMPASS STANDARD OF REVIEW, PERTINENT FACTS, AND TOPIC OF FOLLOWING PARAGRAPHS.

[no text]

A. Topic Subheading

1. Subheading including rule of law

Topic Sentence for section

CONCLUSION

Rules (Constitution, statute, case law)

RULE

Include Standard of Review

Section conclusion tying it together

CONCLUSION

[May be divided into 1, 2, and 3 as necessary – each with proper subheadings]

2. Subheading persuasively applying rule of law to facts

Topic Sentence for section *CONCLUSION*

Application of the rules above to the facts of the case *APPLICATION*

Affirmative Case: arguing persuasively and offensively for client

Section conclusion tying it together *CONCLUSION*

[May be divided into 1, 2, and 3 as necessary – each with proper subheadings]

3. Subheading persuasively defending your case against counter-arguments

Topic Sentence for section *CONCLUSION*

Application of the rules above to the facts of the case *APPLICATION*

Negative Case: arguing persuasively and defensively for client

Section conclusion tying it together *CONCLUSION*

[May be divided into 1, 2, and 3 as necessary – each with proper subheadings]

B. Topic Subheading

1. Subheading including rule of law

Topic Sentence for section *CONCLUSION*

Rules (Constitution, statute, case law) *RULE*

Include Standard of Review

Section conclusion tying it together *CONCLUSION*

[May be divided into 1, 2, and 3 as necessary – each with proper subheadings]

2. Subheading persuasively applying rule of law to facts

Topic Sentence for section *CONCLUSION*

Application of the rules above to the facts of the case *APPLICATION*

Affirmative Case: arguing persuasively and offensively for client

Section conclusion tying it together *CONCLUSION*

[May be divided into 1, 2, and 3 as necessary – each with proper subheadings]

3. Subheading persuasively defending your case against counter-arguments

Topic Sentence for section *CONCLUSION*

Application of the rules above to the facts of the case *APPLICATION*

Negative Case: arguing persuasively and defensively for client

Section conclusion tying it together *CONCLUSION*

[May be divided into 1, 2, and 3 as necessary – each with proper subheadings]

II. ISSUE TWO: SHOULD PERSUASIVELY ENCOMPASS STANDARD OF REVIEW, PERTINENT FACTS, AND TOPIC OF FOLLOWING PARAGRAPHS.

[no text]

A. Topic Subheading

- 1. Rules**
- 2. Application (Affirmative)**
- 3. Application (Counter-Arguments)**

B. Topic Subheading

- 1. Rules**
- 2. Application (Affirmative)**
- 3. Application (Counter-Arguments)**

CONCLUSION

Briefly conclude with a succinct restatement of the argument, “X Y and Z.”

Include the relief that your client seeks in the outcome of this appeal.

NOTE: Each paragraph should have a topic sentence that encompasses the theme of the following paragraph. It directs the reader to your purpose in writing that paragraph, and clearly states the conclusion of the argument to follow.