

— Brief-Writing Ninja —

LEGAL STYLE GUIDE

Formatting

- Learn to use [Styles](#). [Modify Styles](#) instead of modifying each heading or body text.
- If rules allow, use Century Schoolbook. Align left or justify. Indent first line 0.5.
- If your court, local rules, and local custom allow, use [true double-spacing](#) [Paragraph + Line spacing + Exactly At: font size × 2]. If unsure, especially in a jurisdiction that uses page limits, research the judge's preferences, call the clerk, and maybe drop an explanatory footnote in your certificate.
- Use italics, [not underlining](#) or [bold](#). Also [emphasize with em dashes](#), [colons](#), or [word placement](#).
- Use indented, MS Word single-spaced (true double-spaced between) numbers and bullets for lists.
- For headings, [keep lines together](#) and [keep with next](#). Eliminate orphan headings. And put [slightly more white space](#) above than below so they're grouped more closely with the text that follows.
- Use [orphan/widow control](#). If possible, aim for clean page breaks, meaning a new paragraph starts at the top of each page and a full paragraph ends at the bottom of each page.
- Modify sentences to [prevent "runts" or "short lines,"](#) meaning don't let a paragraph end with one or two short words that spill over onto the last line, creating too much white space.

Style and Tone

- Value brevity, clarity, and grace, over every other element of style.
- Be the voice of reason: no hyperbole, inflammatory rhetoric, or personal attacks.
- In the facts, don't argue or editorialize. [Show, don't tell.](#)
- Whether you're discussing the facts or the law, don't overpromise and underdeliver.
- Don't [personally attack the lower-court judge or opposing counsel](#); do show why they're wrong.
- When your first draft is complete, [run BriefCatch](#) and review all style suggestions.
- After making style changes, run BriefCatch stats. [Aim for scores of 90 and above.](#)

Structure

- Use shorter headings (ideally no more than two lines) for fact sections.
- Use [complete-sentence headings](#) (ideally no more than three lines) for argument sections.
- Use ALL CAPS for section headings only (e.g., TABLE OF AUTHORITIES, ARGUMENT), but [use Styles](#) and [direct formatting](#) to make them appear in Initial Caps in your Table of Contents.
- Never use [ALL CAPS](#) or [Initial Caps](#) for point headings. Use regular sentence case instead.
- Make argument point headings flow like a [summary of the argument in the TOC](#).
- If rules allow, consider opening with [Bryan-Garner-style syllogistic deep-issue statements](#).
- In an Introduction, frame the issues, your best legal and equitable points, and the relief requested.
- In the facts, tell a [chronological story](#), ideally from the client's point of view.
- Arrange legal arguments from strongest to weakest, then consider dropping the weakest.
- Make your affirmative case on each point first, then refute the other side's arguments.
- Don't throw away the conclusion. If rules and tradition allow, restate the best legal and equitable reasons why you should win and the specific relief you're requesting.

Paragraphs

- Write actual paragraphs starting with a topic sentence followed by supporting sentences, not a single sentence followed by a string cite of authorities.
- Build bridges between paragraphs using connectors and transition words.
- Keep most paragraphs on the shorter side, ideally under five sentences, and vary paragraph length.
- Use guideposts. For example, introduce *three points* and then enumerate them using either numerals—(1), (2), and (3)—or ordinals—*First, Second, and Third*.
- Avoid substantive footnotes, minimize the use of footnotes, and keep them as short as possible.

Quotations

- Don't lose your voice (e.g., write: *This Court will "review. . ."* not: *"We review. . ."*).
- Avoid block quotes like the plague. If you can't, summarize the full quote in the lead-in to the block quote and then use italics within the quote itself to add emphasis.
- Look for ways to minimize the need to use brackets, parens, and ellipses when quoting a source. For example, consider paraphrasing or quoting a shorter snippet of the source instead.

Citations

- Don't start sentences with citations, and minimize distracting mid-sentence citations.
- Use the (cleaned up) parenthetical to signal removal of brackets, ellipses, emphasis, quotation marks, citations, and footnotes the source you're quoting added to the source it's quoting—not as a free pass to alter, add, or remove words, letters, and punctuation without using brackets or ellipses.
- Avoid lengthy string cites unless there's independent legal value in the number of authorities.
- Begin explanatory parentheticals with a present participle (e.g., *holding, explaining*) unless you're including only a short phrase (e.g., *campus speech codes*) or quoting a complete sentence.
- Don't overuse explanatory parentheticals. Instead, discuss your best cases in the text and weave the most helpful quotes and information into the body of the brief.

Sentences

- Only write sentences that you could easily speak.
- Use the active voice unless you're deemphasizing unfavorable facts.
- Keep subjects and verbs close together.
- Replace lazy adjectives and adverbs with vivid, more descriptive nouns and verbs.
- Replace boring verbs with exciting verbs. Replace be-verbs with action verbs.
- Vary your sentence length. Two-to-five-word sentences add punch (e.g., *So too here. Not so.*).
- Simplify long, complex sentences by breaking them into multiple sentences.
- Aim for an average of 20 words per sentence. Almost always, keep sentences under 30 words.
- Rarely start sentences with cumbersome connectors like *nevertheless, accordingly, consequently, and however*. Do start them with conjunctions like and, but, and so.
- Don't start sentences with acronyms, numerals, symbols, or citations.
- Eliminate throat-clearing phrases (e.g., *It is important to note at the outset that . . .*).
- Also eliminate filler phrases (e.g., *there is, there are, there were, there was, it is*).
- Cut unnecessary prepositional phrases, especially those beginning with *of*.

Words

- Replace boring words and phrases with [snappy ones that spark interest](#).
- Strive for mostly one- and two-syllable words.
- [Hyphenate all phrasal adjectives](#) (e.g., *free-speech rights*) except phrases containing 1) adverbs ending in -ly, 2) proper nouns, and 3) foreign phrases (e.g., *de novo review*).
- Be consistent. Refer to the same people, places, and things [the same way throughout](#).
- If you're referring to the same statutory provision repeatedly throughout your brief, consider naming it using a short phrase (e.g. *the Accommodation Clause* or *the safe-driving law*).
- Whenever possible, refer to parties by name, not by party label (e.g., *Smith*, not *Appellant*).
- [When you must use party labels](#), use *Appellant* or *Plaintiff* for parties to your case, *the appellant* or *the plaintiff* for parties to other cases.
- Describe actions, not filings (e.g., *The State moved* not *The State filed a motion*).
- [Avoid dates unless they're legally relevant](#). Instead, say *the next day* or *two months later*.
- Avoid legal jargon (e.g., *aforementioned*, *hereinafter*, *pursuant to*, *prior to*, *instant*).
- Make sure every word has a purpose. [Change Word settings](#) to check for conjunction overuse, [nominalizations](#), and wordiness. Use [BriefCatch](#) for the same purpose.
- Don't be afraid to [use a few contractions](#), but only if they make the sentence sound noticeably more natural (e.g., *But that's wrong*). And don't overuse them.
- Use *that* to add clarity. [Resist efforts to cut that](#) if deleting it would create ambiguity.

Punctuation

- Always use the [serial \(Oxford\) comma](#).
- Use [nonbreaking spaces](#) [Ctrl + Shift + Spacebar] within ellipses, after numerals in lists, and after section symbols to prevent separation between lines.
- Use [an en dash \(–\)](#) to indicate a range (e.g., *JA56–57*), and [an em dash \(—\)](#) to set off part of a sentence (e.g., *The officials—who now feign ignorance—approved the plan*).
- A comma after the first word in a sentence acts like an early speed bump. Avoid it. And fight the temptation to add a comma after starting a sentence with a conjunction like *And*, *But*, or *So*.
- Use a semicolon between two complete thoughts to compare or contrast like things.
- Use a colon to [announce you're going to illustrate, name, or explain something](#) you just discussed, [or to add emphasis to an idea](#) at the end of the sentence.
- Avoid vanishing quotation marks (e.g., 'Plaintiff') by inserting a [nonbreaking space](#) in smaller font between the word and the quotation mark (e.g., 'Plaintiff').
- If aligning left, reduce jagged edges using optional hyphens [Ctrl + -] so only part of the word creating the gap spills onto the next line. If justifying, do the same to reduce large gaps between words.
- Use [exactly one space](#) after any punctuation, including [between sentences and after a colon](#) within a sentence.

Questions or comments about this style guide?

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For more brief-writing tips and tricks:

Follow Chris Schandavel and his [#BriefWritingNinja](#) hashtag on LinkedIn.