

“Trends & Techniques for Legal Writing”

1: Highlights from judicial interviews

- What judges seem to loathe unanimously in briefs:
 - trying to sneak in issues on appeal by discussing them in your brief (when the issues weren't approved for consideration)
 - attacking or putting down the other side, their lawyer, or the court below (it's a “big turnoff”)
 - ALLCAPS
 - Acronyms & Initialisms
 - “irregardless” is not a word; “utilize” should not be, either
- Scalia told Garner he “never” starts a sentence with “However.”
 - “Well, almost never.”
 - “But” is better.
- Roberts hates the word “which.”
 - It slows the reader down.
 - He'll typically “cross ‘em out.”
 - “That” or a gerund works better.
- 8 of the 9 justices (2010 SCOTUS) said they loathed legalese.

2: Tech trends & AI uses

- helpful ways to use AI for briefs
- scoring briefs based on clarity, concision, verb strength, length, etc.
- BriefCatch / Wordrake
- Claude Cowork
- Write.law

3: Easiest edits/biggest bang for buck

- “by” {detect passive voice}
- “of” {detect available possessives}
- P-passive
- E-expletives
- N-nominalizations
- C-complexities
- I-intensifiers
- L-legalese

4: Techniques to make sentences flow

Your brief is a big lake. You have to get your reader from one shore to the other—from “clueless and unconvinced” to “informed and persuaded.”

There’s no boat. The only tools you have are logs. You’ve been given one hundred. Your job is to lay those logs end to end across the water, building a bridge your reader can walk across just as your sentences lead him through your argument.

Luckily, you have the easy log kit—each log comes linked to the next with a one-foot chain. If you line them up perfectly straight, they’ll span the lake from start to finish.

But once you set down the first log, you realize you have a problem. Each link leaves a one-foot gap. Without something to close those spaces, the logs may drift apart, leaving a crooked, unsteady path. Your reader could lose balance—or worse, fall in.

So, your job is to try to bring together the heads and tails of the logs (your sentences)—to tighten the joints and straighten the bridge. That’s how you keep your prose smooth and your reader dry.

You can do that in five ways. (See attached.)

5: Q&A, Discussion

—5 Ways to Bridge Sentences—

1 Use a linking word to start Sentence 2 to show its relationship to Sentence 1.

“However,” “But,” and “Yet” are simple but strong connectors.

—John inspected the record closely. But the evidence offered nothing new.

—The statute appears straightforward. Yet its plain language creates ambiguity when applied to digital records.

2 Repeat a key word from the end of Sentence 1 at the start of Sentence 2.

—John went to the store. At the store, he bought bread.

—The contract created multiple obligations. Those obligations bound the parties even after termination.

—The court addressed the plaintiff’s duty to mitigate. That duty, it explained, arises only after a breach.

3 Start Sentence 2 with a catch-all phrase that recalls an idea from Sentence 1.

—John went to the store to buy bread. His mission was unsuccessful because the store was closed.

—The defendant moved to dismiss for lack of jurisdiction. The motion’s basis was the plaintiff’s lack of contact with the forum.

4 Start Sentence 2 with “this” or “that” before a repeated word or catch-all idea.

—John went to the store to buy bread. This bread would be the centerpiece of his brunch.

—The court examined the duty to warn under negligence law. This duty requires reasonable steps to prevent foreseeable harm.

5 Use a standalone “this” or “that” when the reference is clear from context.

—John went to the store to buy bread. That was his only mission for the morning.

—The firm failed to file the appeal on time. That proved fatal to the client’s case.
