

Writing the Legal Brief

The Organizational Structure & Elements of a Legal Brief

- Brief a single case
- First, provide the facts of the case in one paragraph—include only essential details
- State—in a single sentence—the legal question the case poses/addresses
- Then explain the court’s holding
- Next, explain the court’s rationale/arguments, including concurring opinions
- Close by briefly discussing your evaluation and analysis of the court’s decision

Length:

A legal brief should be **one page** long and should not exceed this limit, except in the rarest of circumstances. Thus, the writer must choose wisely which details to focus on and must be sure to include only the **essential** details of the case in question. Overachievers must realize that more writing does **not** produce a better grade and in fact, often interferes with a successful brief. Concision and precision are crucial in this assignment.

Tutor Strategies

- **Summarize the nature and decision of the case.**
 - When the student reads her brief out loud (or if you read through the brief together), ask her to briefly summarize, in no more than 2-3 minutes, the essential details of the decision.
 - If the student struggles to articulate the case’s facts and decision, then she probably has not successfully presented the case in her brief.
- **Engage the case by interacting with the student through rigorous question and answer.**
 - Such discussion will provide the student with a valuable outside perspective on a case that may have seemed too obvious or clear during the construction of the brief.
- **Assist in eliminating wordiness by choosing precise verbs.**
 - Often, that process entails replacing “to be” verbs and passive voice verbs with precise, active verbs.
 - Give the student time to practice making corrections and improving verb choices.
- **Assist in the elimination of elongated phrases.**
 - This process may include eliminating prepositional phrases and abstract nouns (sometimes in the form of nominalizations) that usually accompany “to be” verbs.
 - Again, give the student time to practice making such revisions.
- **Identify areas of needed aesthetic presentation.**
 - A legal brief should never appear as a muddled mess of decisions and arguments. Make sure the student’s work is well-constructed, clearly organized, and easy to read, with headers and the use of bold tools.