

WRITING AN APPELLATE BRIEF LEGAL ARGUMENT

Knowing how to write an appellate brief takes time and patience. Learn how to structure your arguments so a judge not only understands your case, but agrees .

These can also apply to trial-level arguments, but at the appellate level you can usually build a more complete argument , so I will use the appellate brief as the model. How did it structure its argument? If this is the first brief for a case—maybe it is the motion to dismiss itself—you can turn to your memory of prior cases or a prior brief. On appeal in federal court, the losing party that appeals is the Appellant, and the responding party that won at the trial level is the Appellee. Adding strength from other perspectives will make your brief that much better. It is important for pro se litigants to remember that, generally, a party has to both file the brief with the court, and serve a copy on the opposing party. John, testified Plaintiff was injured as a result of the accident. Once I finish the substantive sections, I work on the introduction. Whether it is in a separate section or in the argument, the standard of review should be stated for each point on appeal. My arguments incorporate these three components. Plaintiffs filed their Notice of Appeal and eventually their Appellant Brief. These subscription-based platforms give attorneys access to appellate briefs, as well as intuitive analytic information to help structure an argument. So I guess, in at least one way, writing an antitrust or appellate brief is like making a movie. Appellate briefs contain all the legal arguments an attorney is making to persuade the judges to rule in the client's favor. If you can develop a strong story, or core theory, every action you take should support it. What tools are available for writing appellate briefs? But when it is done right, it is beautiful. In the statement of the case and the facts section of an appellate brief, the party writing the brief will discuss: the type of case civil, criminal, etc. But the execution is not always easy. It can be helpful to read other appellate briefs, especially successful ones. Organizing your Legal Authority As I am researching, I am also reading and sometimes finding new cases , and at the same time, I am adding to my notes in both Word and on the legal pad. To do so effectively is not easy. In the certificate of compliance, the appellate party states that the font and type size used in the brief complies with this Rule and signs below the statement. Strong writing skills are essential. Everything matters. So even if the market-share discounts do make it more difficult for this weak competitor to sell its product—i. Today I am going to explain how I create a significant antitrust or appellate brief, from scratch. These arguments use both primary and secondary sources to make their case. Again, experience helps here. What is left? This is the opportunity to clearly, concisely, and provocatively frame the stakes of the case. Under each issue heading, the appellant discusses the case law, statutes, and rules that deal with the issue for that section. It is vital, so you have to get it right. If you are responding to a motion to dismiss, you have the cases in the motion to dismiss. The statement of the case and facts explains to the appellate court, based only on the documents and evidence that are in the record, what the history and facts of the case are, and what occurred in the lower tribunal. In deciding what issues to raise in your brief, you should consider four factors.