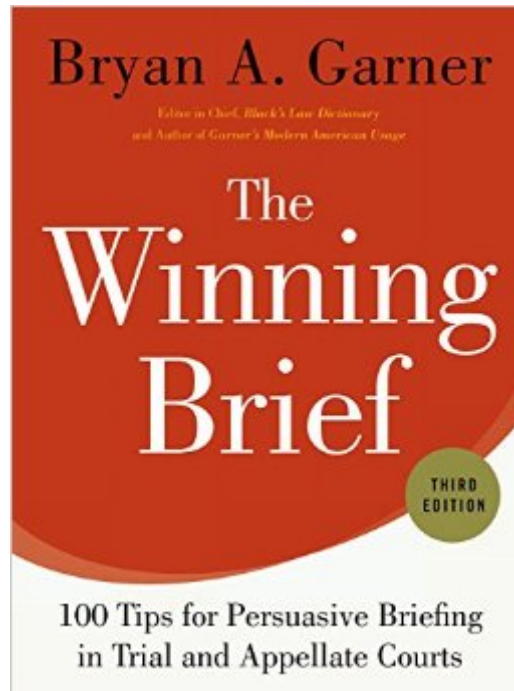


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# The Winning Brief: 100 Tips For Persuasive Briefing In Trial And Appellate Courts



## Synopsis

In its first two editions, *The Winning Brief* explained the art of effective writing in 100 concise, practical, and easy-to-use tips, proving that the key to writing well is to understand the judicial readership. This third edition of Bryan A. Garner's modern classic delivers the same invaluable guidelines with even more supporting evidence. Covering everything from the rules for planning and organizing a brief to openers that can capture a judge's attention from the first few words, these tips add up to the most compelling, orderly, and visually appealing brief that an advocate can present. In Garner's view, good writing is good thinking put to paper. "Never write a sentence that you couldn't easily speak," he warns - and demonstrates how to do just that. Every tip begins with a set of quotable quotes from experts, followed by Garner's masterly advice on building sound paragraphs, drafting crisp sentences, choosing the best words ("Strike pursuant to from your vocabulary."), quoting authority, citing sources, and designing a document that looks as impressive as it reads. Throughout, Garner shows how to edit for maximal impact, using vivid before-and-after examples that apply the basics of rhetoric to persuasive writing. In this much-expanded third edition, Garner has perfected the text with nine new tips, hundreds of new examples, and amplified explanations throughout—all in his trademark style. Among the new sections are tips on understanding judges' reading habits, answering opponents' arguments, writing effective reply briefs, using authorities persuasively, and organizing arguments based on statutes and contracts. Quotable quotes, which Garner carefully assembled after years of wide reading and close study, have been expanded and improved throughout the book. There is also a new appendix on a remarkable brief that some consider the best ever written ("a beautiful marriage of rhetorical skill, thorough research, and humane lawyering"). Perhaps the biggest change to this edition is that every tip now ends with a summary checklist that recaps and crystalizes the subpoints just covered, with further ideas for improvement. Garner conceived these checklists in part as a way to help readers approach his book as a set of 100 tutorials. Reviewing and practicing each tip will offer brief-writers a degree of mastery that more cavalier colleagues will find difficult to equal. An invaluable resource for attorneys, law clerks, judges, paralegals, law students and their teachers, *The Winning Brief* has the qualities that make all of Garner's books so popular: authority, accessibility, and page after page of techniques that work. If you're writing to win a case, this book shouldn't merely be on your shelf—it should be open on your desk.

## Book Information

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## Customer Reviews

My practice focuses on law-and-motion and appellate law. Well-written and persuasive briefs are my bread and butter. Garner's book helps me butter the bread. I have several of Bryan Garner's books (The Elements of Legal Style; A Dictionary for Modern Legal Usage; his two editions of Black's), but this is the one that has had the biggest influence on my brief writing. I received it at one of his brief-writing seminars. Since I attended the seminar and read the book, the quality of my briefs has increased exponentially. Garner guides the brief writer from the initial planning stages, through framing the issues (invaluable!), editing, punctuation, word choice, tips for impact (don't start a sentence with "however"; use "but," "although", or insert the "however" after the subject), and even technical tips about formatting (e.g. using bulleted lists.) I recommend it wholeheartedly.

I became familiar with this book in law school and it has helped me tremendously. It debunks the myths about which practices are truly expected in briefs and which provide more latitude and freedom for legal writers. The information is presented in 100 easy-to-understand "tips." Each tip provides quotes from judges, legal scholars, and other literary figures who help to explain why a particular facet of writing is important. Garner also includes examples, oftentimes what-to-do's and what-not-to-do's. The format of the book makes it easy and helpful to use and the information is invaluable. It's like an advanced course in legal writing. Highly recommended!

One misses the point of Mr. Garner's book if they think this is another treatise on brief writing. Mr. Garner's approach, though commonsensical, is sorely needed in the legal world. So many briefs are too long, too boring, and too obtuse to be of any use. Granted one need not follow all of Mr.

Garner's tips, such as footnotes, but if you follow most of them, you will end up with a brief that is not a chore to read, succinctly informs the judge of the issue and why she should rule in your favor. This book is definitely for people who think they already know how to write a brief, and who don't need any book to help them do so (and who also most likely churn out boring, difficult to read briefs). There is a world of difference between a typical brief and the type that Mr. Garner envisions. By the way, anyone who has not taken Mr. Garner's course should. He is one of the best public speakers and teachers you will ever encounter.

Admission -- I own and have read the prior edition. While I can't go line by line over the differences, this book is substantially thicker (yes, I know that thickness is a profound yardstick to compare the two editions), which indicates that a great deal of work has gone into this book. I disagree with Garner on some issues (such as defining parties in briefs), I really love the overall guidance. Keep in mind, though, that this is guidance. If you routinely appear in certain courts, you would be well served to go to a CLE at which one or more of the court's judges is speaking and try to determine his or her preferences. For instance, while my local federal appeals court has highly qualified and hard-working law clerks, the court of appeals for the state has no law clerks, which shifts certain burdens to the lawyers (e.g., if your adversary misstates the holding of an opinion, you can't assume that the court will catch it). Also, you should know whether to slavishly follow the local rules (some judges either ignore them or have their own orders which impose other requirements). Garner should have included a section dealing with these practical points. While this book is really good for younger attorneys, even old dogs like me can learn new tricks.

The Winning Brief is essential reading for any lawyer who cares about writing clearly and persuasively. As a litigation partner and trial lawyer, I am always looking to improve my own skills and find that Bryan Garner's comments are clear and practical. I strongly recommend The Winning Brief because it goes well beyond many texts that discuss generalisms on trial and appellate briefs--Mr. Garner provides instead direct insight into how to move the trier of fact.

I love this book, but I am very disappointed in the Kindle edition. So be warned. I wanted a Kindle version of this terrific book because I wanted my own copy (I have borrowed a colleague's hard copy), and with my Kindle and iPad, I would always have it handy. As a way to read the book, this is great and helpful. But as a REFERENCE tool, it is nearly useless. There is no comprehensive table of contents to help you refer to past chapters to brush up on a particular topic. And the subject

index--which is included--doesn't work. For example, when I look up "Mr., Ms. Mrs.," it refers to chapter 55 (which is right). But the link takes you to page 55, which is in the middle of chapter 8 and far from where you need to be. This simply isn't useful unless you are reading it only straight through.

Bryan A. Garner, editor-in-chief for the latest edition of Black's Law Dictionary, is one of America's foremost proponents of the "plain English" movement in the law. In *The Winning Brief*, Mr. Garner distills the principles found in his seminars and his other books (such as *The Elements of Legal Style*) and channels them toward one goal: helping the reader write better legal briefs. *The Winning Brief* presents its advice in the form of 100 tips, each followed by quotations, commentary, and examples. The tips follow the chronological order of a writing project, from initial brainstorming to proofreading. The tips are listed inside the front and rear covers for quick reference. Mr. Garner's advice has contributed directly to my practice. I have applied his advice in writing four summary judgment motions; two were granted, while the other two led to favorable settlements for my clients. The reader is sure to find at least one or two tips that can be applied immediately to a current writing project. Not only that, but Mr. Garner's advice can be applied to other non-fiction writing projects. In sum, I heartily recommend this book to all attorneys who hope to be more persuasive in their writing.

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