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Laurel Currie Oates  
Anne Enquist  
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SECOND EDITION

# BRIEFS



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# Just Briefs

Second Edition

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**Wolters Kluwer**

Law & Business

AUSTIN BOSTON CHICAGO NEW YORK THE NETHERLANDS

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Aspen Publishers  
Attn: Order Department  
PO Box 990  
Frederick, MD 21705

Printed in the United States of America.

1 2 3 4 5 6 7 8 9 0

ISBN 978-0-7355-6231-8

### **Library of Congress Cataloging-in-Publication Data**

Oates, Laurel Currie, 1951-

Just briefs / Laurel Currie Oates, Anne Enquist, Connie Krantz. — 2nd ed.  
p. cm.

Includes bibliographical references and index.

ISBN 978-0-7355-6231-8 (pbk. : alk. paper) 1. Briefs—United States. I. Enquist, Anne, 1950- II. Krantz, Connie, 1953- III. Title.

KF251.O18 2008  
808'.06634—dc22

2007049897

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To my parents, Bill and Lucille Currie,  
my husband, Terry, and my children, Julia and Michael.  
Thank you.

To my family, Steve, Matt, Mary, and Jeff Enquist,  
for their love, support, and patience.

To my husband, Ray, and my daughter, Emma,  
for their love and support.

# Preface

The title of this book and its double meaning might be a bit of a misnomer. The book is about “just” briefs in the sense that we intend it to remind you that your briefs to the court should work toward a just result; however, it is not a book just about briefs because it includes more than brief writing. *Just Briefs* is really a book about the larger topic of effective advocacy as it plays out in trial and appellate briefs, oral argument, and the thinking process that informs both.

“Effective advocacy” might not make a jazzy title, but we find the topic of effective advocacy tremendously engaging. Admittedly, the process of researching, analyzing, and writing a brief that is effective advocacy can be arduous and time consuming. But it is also deeply rewarding. When lawyers write a persuasive brief or make a compelling argument, they make a difference. They protect the rights of their clients, they help enforce or change the law, and they make sure that the legal system works as it was intended to work.

Thus, as you work through the chapters in this book, keep your eye on the larger goal of becoming an effective advocate. Instead of focusing primarily on getting an A on your brief or oral argument, focus on learning to be the best advocate that you can be. Learn how to develop a theory of the case that will appeal to both the judge’s head and heart, learn how to tell your client’s story, and learn how to construct persuasive arguments. In addition, work on developing your writing skills. Learn how to make your points clearly, precisely, concisely, even eloquently. Finally, think about the role you need and want to play as an advocate. As you think through how zealous you want to be when representing your client, remember that your own reputation as an attorney affects your ability to persuade. Your reputation and your credibility might ultimately be your most effective tools as an advocate.



# Acknowledgments

One of the pleasures of writing a derivative work is that it allows the authors to think about all of the people who have helped them along the way. In our case, the preparation of this work has reminded us of all of the people who helped us as we wrote the first, second, third, and fourth editions of *The Legal Writing Handbook* and the first and second editions of *Just Writing*.

We would like to begin by thanking our students and colleagues who, in the eighties, provided the inspiration and insights that led to the writing of *The Legal Writing Handbook*. We would, however, also like to thank our most recent students and colleagues whose suggestions and corrections made each edition better than the earlier one. In particular, we would like to thank the following individuals: Susan McClellan, Lori Bannai, Mimi Samuel, Janet Dickson, Mary Bowman, Lucas Cupps, Janet Chung, Nancy Wanderer, and Jessie Grearson. In addition, we would like to thank our law librarian, Stephanie Wilson, who helped us with the research on the new legal issues in this edition, and our former students, Jean Jorgenson and Amanda Froh, who allowed us to use their briefs as starting points for the sample briefs in Chapter 2.

Finally, we would like to thank the editors at Aspen for their support and advice and our administrative assistant, Lori Lamb, for her assistance in preparing the manuscript.

Laurel Oates  
Anne Enquist  
Connie Krantz

January 2008

Just Briefs

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