

**Appellate Brief**  
**A pre-rubric checklist**

**Format/Compliance with Local Rules**

- \_\_\_\_\_ Bound in specified manners.
- \_\_\_\_\_ Double-spaced on 8 ½” by 11” paper.
- \_\_\_\_\_ Left justified.
- \_\_\_\_\_ Uses 12 point in permissible font.
- \_\_\_\_\_ Page numbers in center of each page (other than the cover page).
  - \_\_\_\_\_ Roman numerals are used for the tables & statement of jurisdiction.
  - \_\_\_\_\_ Arabic numerals are used for the other sections of the brief.
- \_\_\_\_\_ Page limit adhered to.
- \_\_\_\_\_ Sections in the correct order according to the local rules.
- \_\_\_\_\_ Limited use of “appellant” and “appellee.”

**Cover Page**

- \_\_\_\_\_ Case number is centered at the top of the page.
- \_\_\_\_\_ Includes the name of the court.
- \_\_\_\_\_ Includes the title of the case.
- \_\_\_\_\_ Includes the nature of the proceeding.
- \_\_\_\_\_ Includes the title of the brief the title of the brief, identifying the party or parties for whom the brief is filed.
- \_\_\_\_\_ Includes the name, office address, and telephone number of counsel.

**Table of Contents**

- \_\_\_\_\_ Lists each section of the brief.
- \_\_\_\_\_ Lists the page numbers on which each section begin.
- \_\_\_\_\_ Includes all point headings in the same font and typestyle as in Argument Section with appropriate page numbers.

**Table of Authorities**

- \_\_\_\_\_ Lists all authorities cited in the brief.
- \_\_\_\_\_ Order of authorities is correct according to the local rules.
- \_\_\_\_\_ Includes all pages on which the authorities’ citations appear.

**Statement of Jurisdiction**

- \_\_\_\_\_ Clearly and concisely identifies the basis for jurisdiction.
- \_\_\_\_\_ Includes correct dates.
- \_\_\_\_\_ Includes citations to authorities.

**Question(s) Presented**

- \_\_\_\_\_ Clearly identifies relevant legal principle.
- \_\_\_\_\_ Includes select key facts.
- \_\_\_\_\_ Suggests an answer favorable to the client.
- \_\_\_\_\_ Is a readable length.

**Statement of the Case: Statement of Facts**

- \_\_\_\_\_ Persuasively frames the facts.
- \_\_\_\_\_ Includes all legally relevant facts.
- \_\_\_\_\_ Includes relevant background facts.
- \_\_\_\_\_ Includes relevant emotional facts.
- \_\_\_\_\_ De-emphasizes unfavorable facts.
- \_\_\_\_\_ Does not include legal conclusions.
- \_\_\_\_\_ Includes citations to the record.
- \_\_\_\_\_ Judicious use of quotes from the record.

**Statement of the Case: Proceedings Below**

- \_\_\_\_\_ Accurately summarizes procedural history.
- \_\_\_\_\_ Includes citations to the record.

**Summary of the Arguments**

- \_\_\_\_\_ Accurate and concise summary of the arguments from the rule application.
- \_\_\_\_\_ No citations to authorities or the record.

**Standard of Review**

- \_\_\_\_\_ Concisely and clearly identifies the basis for the standard of review.
- \_\_\_\_\_ Includes citation to relevant authority.

**Point Headings**

- \_\_\_\_\_ Provides an outline of the arguments.
- \_\_\_\_\_ Explains the legal contentions.
- \_\_\_\_\_ Includes reasoning and select relevant facts.
- \_\_\_\_\_ Is one readable length sentence.

**Argument: Overall Organization**

- \_\_\_\_\_ Begins with overview (i.e., umbrella) paragraph(s) identifying the general rule, providing the roadmap, highlighting general policy points (if applicable), and presenting the applicable standard of review.
- \_\_\_\_\_ Arguments presented in thoughtful and persuasive order.
- \_\_\_\_\_ Structure of discussion obvious through clear, strong thesis sentences.
- \_\_\_\_\_ Well-constructed paragraphs are appropriate length.
- \_\_\_\_\_ Effective transitions used.

### **Argument: Paradigm Use**

- \_\_\_\_\_ Under each heading and subheading, the paradigm is adhered to.
- \_\_\_\_\_ Begins with factual conclusion.
- \_\_\_\_\_ Identifies rule(s).
- \_\_\_\_\_ Rule Explanation includes examination of rules in relevant authorities through case illustrations (that include key facts, the court's reasoning, the court's holding, and, if relevant, policy) and explanatory parentheticals.
- \_\_\_\_\_ Rule Application is complete:
  - \_\_\_\_\_ Begins with appropriate transition (i.e., here, in the present case, in the instant case).
  - \_\_\_\_\_ States factual conclusion in the first sentence.
  - \_\_\_\_\_ Uses analogies/distinctions, draws factual inferences, and presents policy points.
  - \_\_\_\_\_ Ends with one sentence factual conclusion.

### **Argument: Rule/ Rule Explanation**

- \_\_\_\_\_ Clearly identifies relevant authorities.
- \_\_\_\_\_ Accurately describes authorities.
- \_\_\_\_\_ Fully examines all relevant authority.
- \_\_\_\_\_ Adverse authority noted and distinguished.
- \_\_\_\_\_ If necessary, distinguishes between binding and persuasive authority.
- \_\_\_\_\_ Includes citations after every sentence supported by authority.
- \_\_\_\_\_ Judicious use of relevant quotes.

### **Argument: Rule Application**

- \_\_\_\_\_ Thoroughly and clearly demonstrates how the relevant authorities and facts relate to a reader unfamiliar with the authorities and the facts.
- \_\_\_\_\_ Includes many analogies/distinctions that are explicit and obvious because the analogies/distinctions refer to specific facts from the case law and specific facts from the facts.
- \_\_\_\_\_ Draws relevant factual inferences.
- \_\_\_\_\_ Persuasively presents relevant policy points.

### **Conclusion**

- \_\_\_\_\_ One sentence that includes the prayer for relief.
- \_\_\_\_\_ Includes signature line and address.

### **Research**

- \_\_\_\_\_ Includes binding authority that conveys the state of the law to the reader.
- \_\_\_\_\_ Includes persuasive authority as necessary to convey the state of the law to the reader.
- \_\_\_\_\_ Limited citation (if any) to relevant secondary sources.

**Use of Citations & Quotations**

- \_\_\_\_\_ All non-original ideas in the rule/rule explanation/rule application sections attributed to appropriate source.
- \_\_\_\_\_ All quotes are accurate.
- \_\_\_\_\_ All quotes of less than 50 words surrounded by quotation marks.
- \_\_\_\_\_ All quotes of more than 50 words are block quoted.

**Writing Style**

- \_\_\_\_\_ Uses active voice and passive voice effectively.
- \_\_\_\_\_ Unnecessary words are avoided.
- \_\_\_\_\_ Legalese is avoided.
- \_\_\_\_\_ Cheap theatrics, sarcasm, personal attacks, and humor are avoided.
- \_\_\_\_\_ Strategic word choice is accurate and concise.

**Writing Mechanics**

- \_\_\_\_\_ No typos.
- \_\_\_\_\_ Correct grammar used.