

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.