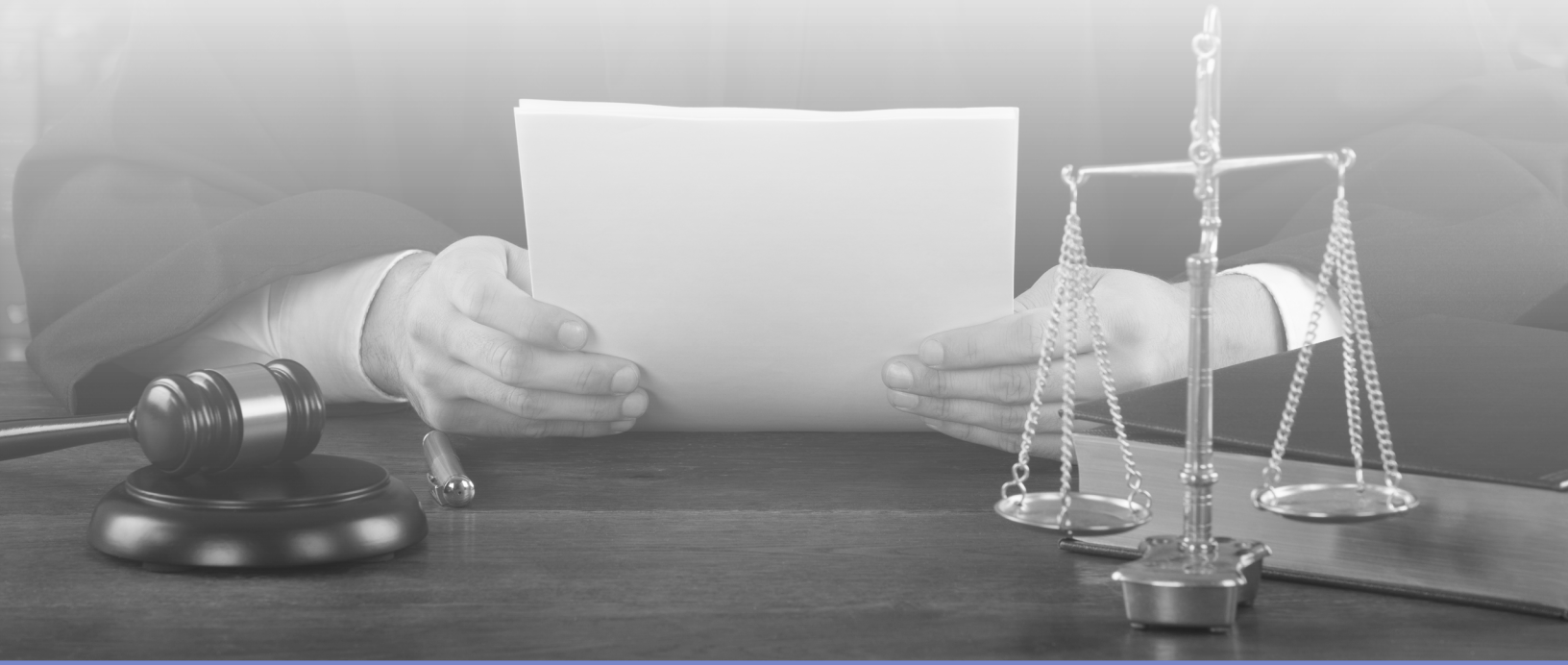# Great Expectations

How Top Litigators Avoid the Six Writing Pitfalls that Cost Cases

BriefCatch

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INTRODUCTION
Why Good Writing Matters to Judges

Judges stress that **clear, concise, and organized writing** affects their decision-making and your clients' results. Better briefs help judges grasp key issues and pivotal facts, making it easier to rule fairly and efficiently. Every word you write enhances or diminishes your credibility with your court.

"Lucid, well-ordered writing can contribute immeasurably to a lawyer's success."

—Justice Ruth Bader Ginsburg, Associate Justice, U.S. Supreme Court, 1993–2020

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PITFALL #1
Lengthy and Convoluted Prose

Judges dislike briefs and even sentences
that are too long or complex.
Clear and direct language is crucial.

Key Tip
Find a way to spot and trim the thousands of words
and phrases that can muddle your message.

· ·

*"A judge who realizes that a brief is wordy will skim it;
one who finds a brief terse and concise will read every word."*

—Justice Antonin Scalia, U.S. Supreme Court 1986-2016

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PITFALL #2

Weak Internal Logic

Judges crave briefs with logical structure.
Clear headings and signposts help readers put
together the puzzle of your argument and facts.

*"A brief must be carefully and thoroughly organized before
it is written. There is nothing worse than a rambling
document that sounds as if it has been dictated off the
cuff and filed virtually without change. That kind of
brief is difficult to follow, frequently repetitious, often
internally inconsistent, and always unpersuasive."*

—Judge Daniel M. Friedman, U.S. Court of Appeals for the Federal Circuit

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PITFALL #3
Off-Putting Language and Hyperbole

Judges prefer **respectful and professional briefs**. Learn to spot the inflammatory language and personal attacks that undermine credibility.

"As the guardians of the Rule of Law that defines the American social and political fabric, lawyers should embody civility in all they do."

—Jayne Reardon, American Bar Association Journal

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PITFALL #4

Misplaced, Misformatted, and Excessive Citations

Judges overwhelmingly prefer to see **citations directly in the text** rather than in footnotes, especially with so many reading briefs on devices.
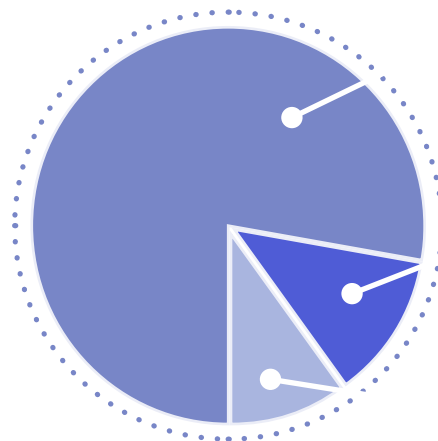
75%
prefer citations
in the text

12%
prefer citations
in footnotes

10%
don't care

"Footnotes are to be used sparingly and citations to textual matter shall not be used in footnotes."

—U.S. District Judge Beth Labson Freeman (standing order)

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PITFALL #5

Overusing Bold, Italics, Underlining, and All Caps

Judges find excessive typographical emphasis
distracting and **unnecessary**.

76%

76% accept occasional emphasis in bold or italics, if used sparingly.
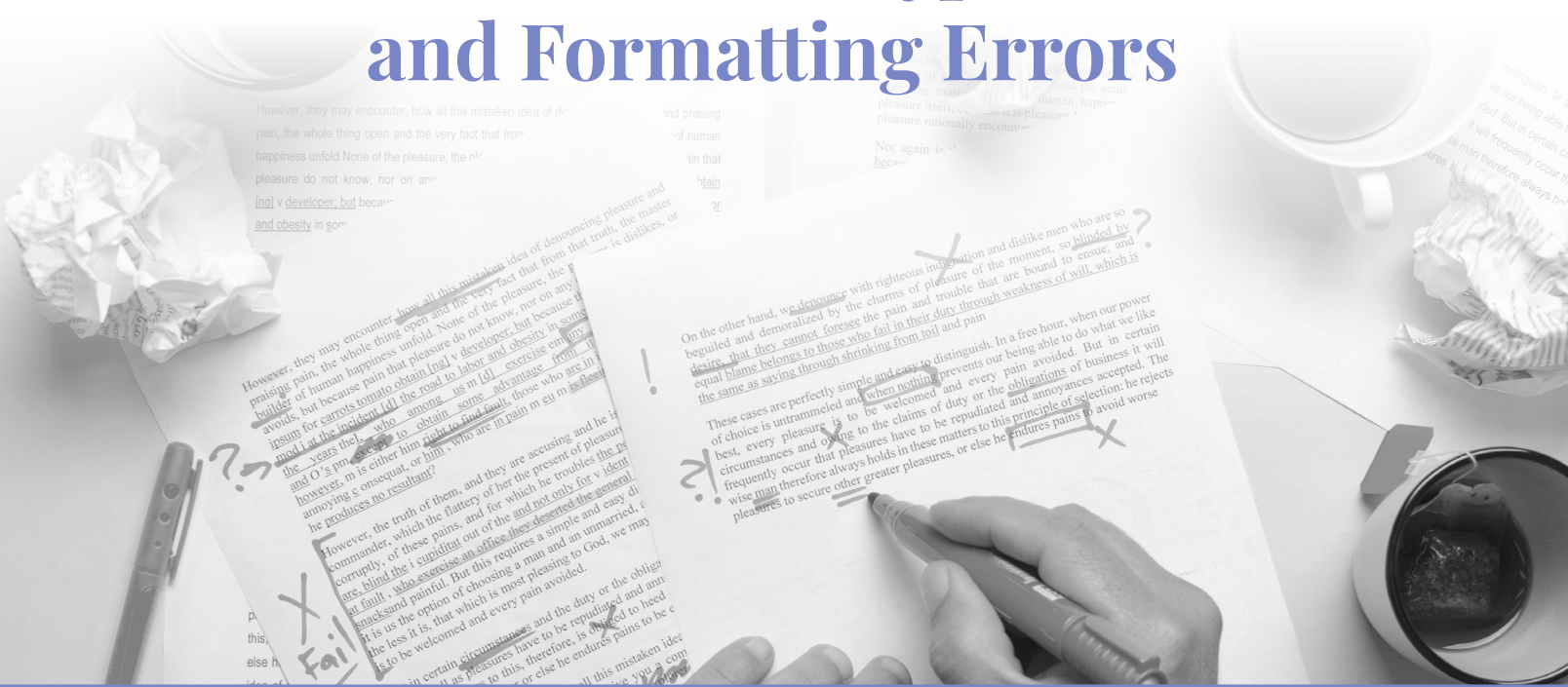Judges strongly discourage **ALL CAPS** and <u>underlining</u>.

"You can improve your chances by making your briefs typographically superior. It won't make your arguments better, but it will ensure that judges grasp and retain your points with less struggle."

—7th Circuit Court of Appeals Handbook

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PITFALL #6

# Grammar, Typos, and Formatting Errors

Judges struggle to ignore **errors** in briefs.
Such mistakes undermine your credibility
and suggest **carelessness** on the merits, too.

"A lawyer who is careless about typos or formatting is usually careless about substance as well. Filing a brief with these mistakes is like walking up to the podium with stains on your shirt."

—Raymond Kethledge, 6th Circuit Court of Appeals

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Impress Judges With BriefCatch
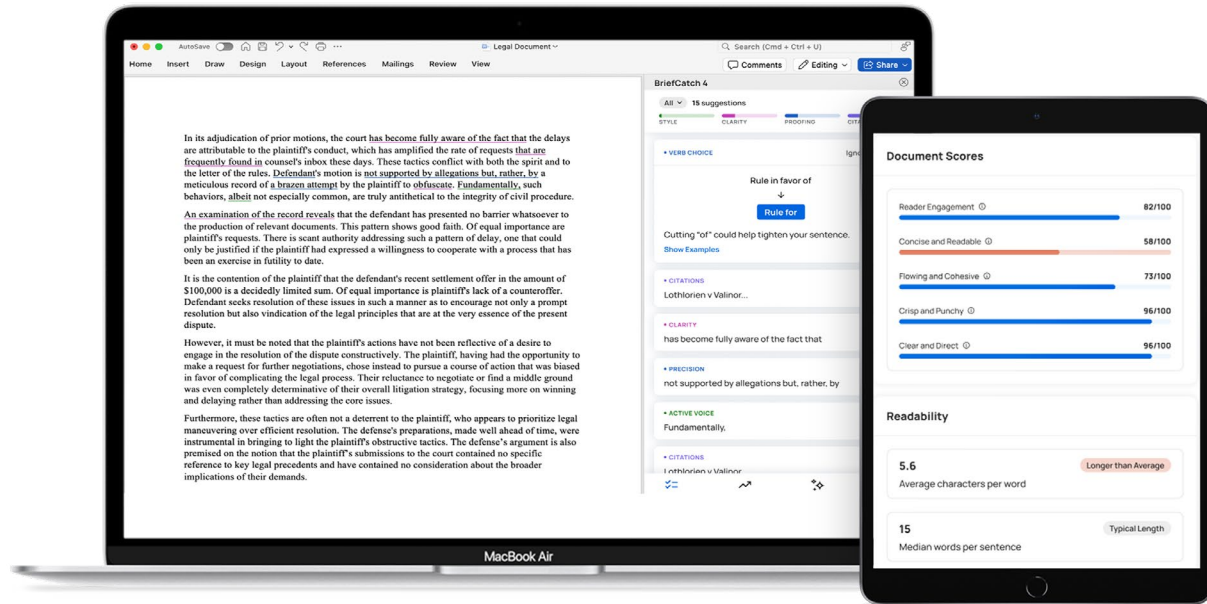
More than 80 courts and hundreds of judges
and justices use BriefCatch to make their writing
more **precise**, **compelling** and **accurate**.

Use BriefCatch to make sure your writing meets judges' expectations:

- Enhance clarity and trim words
- Bolster internal logic
- Find the right tone that projects both strength and civility

- Optimize citations for effectiveness
- Spot and fix grammar, spelling, and formatting errors that other tools (and humans) miss

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try BriefCatch on a draft **for free**.

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About BriefCatch

BriefCatch is the premiere legal writing assistant, seamlessly integrating with Microsoft Word and Outlook to deliver real-time, editing suggestions tailored specifically for the legal profession.

- Trusted by 45+ AmLaw 200 firms, 80+ judicial chambers, and tens of thousands of attorneys across private and public sectors.

- Created by Ross Guberman, a globally recognized legal writing expert who trains federal judges.

- Utilizes a proprietary, patent-protected algorithm based on extensive analysis of top legal and judicial writers.

- Designed to help lawyers improve outcomes, boost efficiency, and eliminate unnecessary write-offs.

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