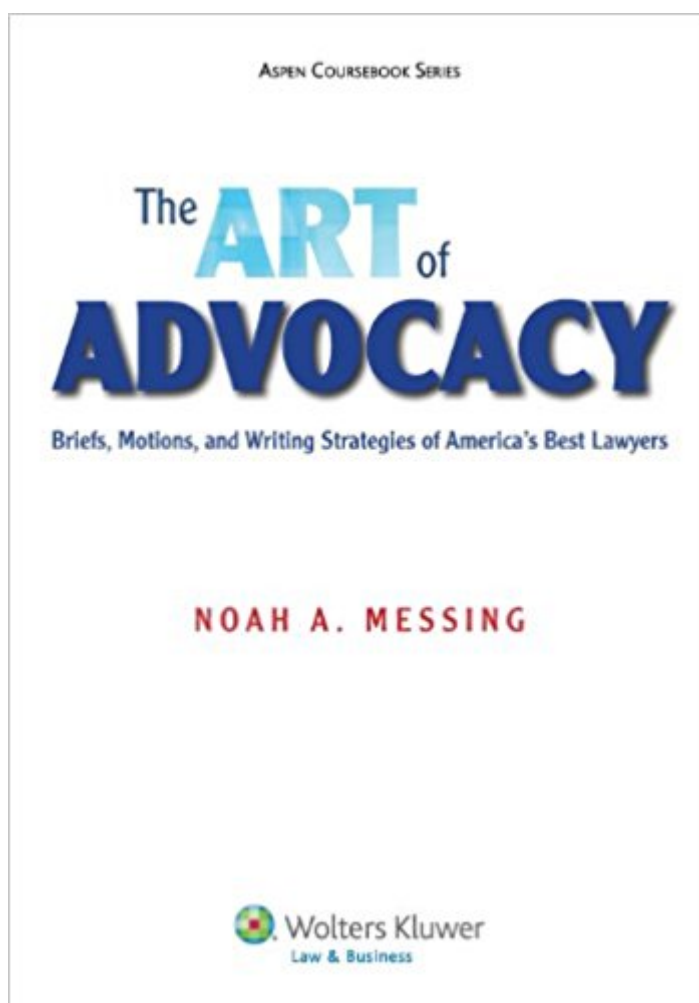


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The Art Of Advocacy: Briefs, Motions, And Writing Strategies Of America's Best Lawyers (Aspen Coursebook)



Synopsis

The Art of Advocacy: Briefs, Motions, and Writing Strategies of America's Best Lawyers presents more than 150 examples of masterful advocacy to show lawyers how to write winning motions and briefs. The book focuses on the strategic and substantive choices that top litigators make, drawing examples from important, timely, and controversial cases. Detailed annotations give readers insight into what makes each document so effective. In addition to presenting a host of storytelling, stylistic, and organizational strategies, the book's examples demonstrate how to build and rebut different types of arguments. The Appendices provide a wealth of additional resources, including Karl Llewellyn's previously unpublished advice from 1957 about the art of advocacy, which one top law professor described as the "best advice on legal writing I've ever seen."

Features

- Compiles more than 150 examples of masterfully written legal advocacy and analysis
- Succinct introductory text presents the facts of each case
- Detailed annotations by the author highlight
 - How to tell your client's story
 - How to build and counter six types of legal argument
 - How to organize your arguments
 - How to develop a theme
- Excerpts from high-interest cases, such as
 - The battle over "Obamacare"
 - A massive copyright suit involving YouTube
 - BP's oil spill in the Gulf of Mexico
 - Facebook's infamous feud with the Winklevoss twins
 - Apple's billion-dollar patent dispute with Samsung
 - Lance Armstrong's attempt to retain his Tour de France titles
- Major cases involving gay rights and affirmative action

For year-long courses, a stellar option for second-semester students
Perfect for practicing litigators who want to see a playbook of moves and strategies from top lawyers and from major cases
Stresses strategic choices and the art of building compelling substantive arguments
Focuses on briefs and motions
Developing a theme
Framing issues
Isolates examples of specific arguments--doctrinal, textual, legislative history policy, and so on
Innovative layout

Book Information

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Customer Reviews

In a field in which effective practitioners MUST be good writers, this book is absolutely essential. I cannot recommend it highly enough for anyone looking to improve their legal writing. I wrote reasonably well before entering law school, so I assumed that I would have no trouble with legal writing. But it turns out that legal writing is hard. Lawyers work in an artificial world in which nearly everything is constrained—the available facts, the authoritative texts, the accepted argumentative forms. Even the structure of an argument is restricted by the court's local rules. To write effectively, you can't just navigate these obstacles; you have to actively use them to your advantage. Messing's book teaches you how to do that at every turn. The book is outstanding in a number of ways, but three stood out to me. First, and most importantly, I wholeheartedly believe in Messing's pedagogical approach: the only good way to learn about writing is to read good writing. That's particularly true in a field as specialized and insular as law. Understanding the principles of effective writing is important, of course, but learning to write by learning rules is like learning how to hit a baseball by studying biomechanics. Messing's lessons are built around meaty examples from top advocates, so you're constantly exposed to exemplary work. You can't help but pick up good habits. Second, the book shows that every aspect of a brief can and should be persuasive. Perhaps the most important thing I learned from the book is the power of facts. (That Messing dedicates three chapters to facts is telling.) There's even a chapter on weaponizing your table of contents—something I had never considered before picking the book up.

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