



BRIEF BITES

**ESSENTIAL INSIGHTS FOR
STRONGER LEGAL WRITING**

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INTRODUCTION

STRONG LEGAL WRITING IS MORE THAN JUST PRESENTING FACTS AND CITING CASELAW.

Welcome to the Brief Bites eBook!

I created this eBook as a dynamic and engaging resource to help you sharpen your legal writing skills—one bite at a time. Strong legal writing is more than just presenting facts and citing caselaw. It's about crafting clear, persuasive arguments while maintaining professionalism and proper brief etiquette. How you present your arguments matters as much as the arguments themselves.

This eBook breaks down essential writing strategies into manageable, bite-sized lessons designed for busy legal professionals like you. Whether you're preparing a motion, drafting an appellate brief, or fine-tuning a demand letter, these insights will help you write with clarity, confidence, and precision.

Why I Created This eBook:

As an attorney with over a decade of experience, I've seen how the smallest details in legal writing can make a significant impact. I'm passionate about helping fellow legal professionals present their arguments effectively because writing well isn't just a skill—it's a critical part of successful advocacy.

I created Brief Bites not just to share technical writing tips but to empower you to become a more persuasive, polished advocate. Whether you're a seasoned litigator or new to the profession, mastering brief etiquette can set you apart and help ensure your message is both compelling and respected.

INTRODUCTION

continued.

What's on the Menu?

This eBook offers seven key lessons on the essentials of legal writing etiquette—designed to make your briefs more professional and palatable for the court. Each Brief Bite covers a vital aspect of brief writing, including:

- **Serving Fresh Food:** Avoiding stale caselaw and keeping your arguments relevant.
- **Gloves Off:** Practicing professionalism in adversarial settings.
- **Elbows Off the Table:** Structuring your briefs with proper legal posture.
- **Waiting Until Everyone Is Served:** Laying a solid factual foundation before diving into legal arguments.
- **Passing the Salt:** Avoiding strained or unsupported arguments.
- **Using Utensils Wisely:** Proper use of writing tools for clarity and coherence.
- **Pace Yourself:** Preventing wordiness and redundancy to keep your writing digestible.

Each section breaks down a practical, real-world writing principle with easy-to-apply strategies. Think of it as a legal writing workshop condensed into a quick, accessible guide.

A Word From the Author:

I'm Corrie Gallien, an attorney and legal writing professional with over 13 years of experience advocating for clients and guiding fellow attorneys in their writing practices.

Throughout my career, I've developed a deep appreciation for the power of precise, persuasive legal writing. I founded Brief Write to share insights that make complex legal writing feel approachable and effective for legal professionals at all stages of their careers.

Ready to Elevate Your Writing?

Let's refine your writing—one Brief Bite at a time. This eBook is just the beginning. For more tips, insights, and resources on legal writing and research, subscribe to Gallien Law's Brief Write blog and stay connected.

IMAGINE CHIPS WITHOUT THE CRUNCH—DISAPPOINTING, RIGHT?



That's how a court feels when faced with outdated arguments in a legal brief. Just as no one enjoys stale bread, judges and clerks dislike outdated caselaw. When crafting your briefs, ensure you are citing the most current and applicable legal authority. Outdated citations can diminish the credibility of your arguments and force the court to question the relevance of your points.

Quick Tip: As a best practice, aim to cite caselaw from the last decade, unless an older precedent is still widely cited and controlling. If you must use old caselaw, follow up with a newer, applicable case that references the older one. This will bridge the gap and prevent the judge from going on a wild goose chase to verify its applicability.

Avoiding stale food isn't just about fresh caselaw. Strive to keep your arguments fresh and present the facts of your case with a unique and engaging perspective. Readers—whether judges, clerks, or opposing counsel—want and deserve to consume fresh, relevant information.

In short, keep your caselaw and arguments fresh, relevant, and easy to digest.

THE DINNER TABLE ISN'T A BOXING RING, AND NEITHER IS LEGAL WRITING.



The dinner table isn't a boxing ring, and neither is legal writing. Just as gloves come off at the table to keep hands clean for proper use of utensils, legal writing should remain clean and professional, free from unnecessary combative language. The phrase gloves off in boxing means it's time for a heated fight, but at the dinner table, gloves come off to keep hands clean for proper use of utensils. The same principle applies to your legal briefs.

While courtroom drama often portrays heated exchanges, emotional arguments can undermine your brief's persuasiveness. Effective legal writing relies on fact-driven analysis rather than personal attacks., your written advocacy should avoid unnecessary aggression. Legal briefs aren't the place for personal attacks or emotional jabs. Instead, focus on clear, fact-driven arguments that demonstrate professionalism and respect.

Why Clean Hands Matters:

Credibility is Key: Taking cheap shots can harm your professional reputation.

Maintain your credibility—it's just as important as your client's case.

Winning Arguments, Not Battles: The strongest briefs stay focused on facts and law, not personal disputes. Keep the focus on your case's strengths.

Remember: Clean hands matter when cooking, serving, and eating—and the same applies to your writing. Serve the court and opposing counsel with clean, respectful arguments, not petty conflicts.

CHAPTER 3 ELBOWS OFF THE TABLE

FAILING TO ESTABLISH LEGAL POSTURE EARLY CAN LEAVE THE COURT WONDERING WHY THEY SHOULD CONTINUE READING.



A quick Google search reveals various theories on why placing elbows on the table is frowned upon – from concerns about shaky tables to elite decorum. Regardless of its origins, the concept offers a valuable lesson for brief writers.

The best way to make a winning impression in a brief is to establish your legal posture early. This approach helps the court quickly focus on the merits of your case, reducing confusion and ensuring the strongest parts of your argument are clear from the start. Inform the court of your main arguments clearly and promptly. Lay the foundation by clarifying essential elements such as:

- Jurisdiction
- Standard of review
- Procedural history
- Legal bases for relief

Skipping these essentials can make your brief feel slouched and unbalanced. Just as poor posture at the table can make a guest appear lazy or inconsiderate, failing to establish legal posture early can leave the court wondering why they should continue reading.

Why Legal Posturing Matters:

Set the tone: Establishing strong legal posture sets the tone for a well-structured argument and helps the court understand your position from the beginning.

Clarity for the Court: Early clarity shows the court that your case is timely and your requested relief appropriate.

Enhance Professionalism: Strong posture reflects preparation and respect for the court's time and process.

Remember: Don't skip the basics. A well-balanced brief that establishes its legal posture early earns trust with the court and sets the stage for a persuasive, credible argument.

CHAPTER 4 WAIT TILL EVERYONE IS SEATED

JUST AS A WELL-PACED MEAL ENHANCES THE DINING EXPERIENCE, A PROPERLY SEQUENCED BRIEF ENSURES THE COURT STAYS ENGAGED AND RECEPTIVE.



Being served food doesn't mean it's time to start eating—proper etiquette calls for waiting until everyone is seated and served to avoid disorder at the table. Similarly, a well-structured brief requires presenting foundational elements before diving into complex arguments. This principle also applies to brief writing, where timing and sequence help ensure clarity and respect for the court's process.

Likewise, when you dive into your legal argument without first providing the reader with the necessary factual background, you create confusion. The reader is forced to piece together facts to follow your arguments, disrupting the flow of your brief and allowing room for errors and assumptions.

By maintaining proper order, you not only enhance clarity but also create a brief that flows logically and persuasively.

Why Timing Matters:

Provides Clarity: Presenting arguments in a logical sequence helps the court follow your reasoning.

Maintains Professionalism: A well-structured brief reflects thorough preparation and respectful presentation.

Enhances Persuasiveness: Structuring your arguments with proper timing allows each point to build logically, making your case more compelling.

Respects the Court's Process: Proper sequencing helps the court stay focused and process arguments more efficiently.

Remember: Always brief the facts clearly and in proper sequence. Thoughtful order builds credibility and ensures your arguments are both persuasive and easy to follow. Just as a well-paced meal enhances the dining experience, a properly sequenced brief ensures the court stays engaged and receptive.

WHEN YOU STRETCH TOO FAR IN A LEGAL BRIEF, YOU OFTEN BYPASS STRONGER, MORE EFFECTIVE ARGUMENTS TO REACH A STRAINED OR UNSUPPORTED CONCLUSION.



Reaching across the dinner table—whether for salt or the breadbasket—is not only ineffective but also discourteous. When you stretch across multiple people, you bypass those who could have easily assisted you, and you risk knocking over drinks and food, creating a mess that disrupts the dining experience, much like how disorganized arguments can confuse the court

The same problem arises in legal writing. When you stretch too far in a legal brief, you often bypass stronger, more effective arguments to reach a strained or unsupported conclusion. This approach can undermine your entire brief—weakening your strongest points and damaging your credibility.

It's a waste of both your time and judicial resources to submit arguments not grounded in fact or law. A skilled advocate understands that conceding minor points can strengthen the overall presentation by keeping the court's focus on the key legal issues. Zealous advocacy means focusing on the most compelling arguments, not throwing everything at the wall hoping something sticks.

If the image of someone awkwardly reaching across the dinner table feels inappropriate, then you can understand why reaching for weak arguments in a legal brief is just as unacceptable.

Remember: Stay grounded, focus on your strongest arguments, and avoid reaching for strained points that can cloud your message and weaken your credibility.

SELECTING THE RIGHT TOOLS AND USING THEM APPROPRIATELY CAN STRENGTHEN YOUR BRIEF'S CLARITY AND PERSUASIVENESS.



At a formal meal, each utensil serves a distinct purpose. It's not just about choosing the right forks and spoons—how you use and set them down during and after the meal conveys messages to your server, like whether you're finished, enjoyed the meal, or are ready for another course.

The tools we use in legal writing—such as citations, transitions, and visual aids—are no different. Selecting the right tools and using them appropriately can strengthen your brief's clarity and persuasiveness.

Why Proper Tools Matter:

Citations: Properly citing case law and depositions enhances your credibility, while improper citations can weaken it.

Block Quotations: Overusing long block quotes without smooth transitions can bore the court and fail to support your argument effectively.

Visual Aids: Confusing diagrams can distract the reader, while effective visuals can simplify complex legal concepts.

Transitions: Clear transitions between points ensure cohesiveness and logical flow, while poor transitions can disrupt clarity.

When you use your briefing tools effectively, you bolster your already strong arguments. But failing to choose the right tools—or using them carelessly, such as inaccurate citations, clunky quotations, poor transitions, or irrelevant visual aids—can undermine your case and harm your credibility.

Remember: Forks matter. Knives matter. Just as properly handling utensils signals respect at the table, using the right tools in your brief shows professionalism and strengthens your case.

A WELL-PACED BRIEF, WITH CLEAR TRANSITIONS AND CAREFULLY SPACED ARGUMENTS, ALLOWS THE READER TO ABSORB AND PROCESS YOUR POINTS FULLY.



At a formal dinner, eating too quickly not only diminishes the dining experience but can leave you uncomfortable or missing the flavors of the meal. Similarly, in legal writing, rushing through your arguments can overwhelm the reader and reduce the persuasive impact of your brief.

Why Proper Pacing Matters:

Digestible Arguments: Present your points in manageable portions, giving each argument space to resonate.

Avoid Overloading: Just as rushing through a meal can be uncomfortable, cramming too many arguments into one section can confuse the reader.

Pacing Matters: Thoughtful pacing keeps the court engaged and allows for a better understanding of your reasoning.

Key Takeaways:

A well-paced brief, with clear transitions and carefully spaced arguments, allows the reader to absorb and process your points fully—just as a well-paced meal enhances the dining experience., just as a well-paced meal enhances the dining experience.

Great legal writing—like a well-prepared meal—requires attention to detail, care, and balance. Thank you for being part of this journey!

Thank you for following along with these Brief Bites!

IT'S ONLY THE BEGINNING OF WHAT'S TO COME.

Thank you for joining me along this Brief Bites journey! I've truly enjoyed sharing insights on crafting stronger legal writing and effective briefs. While this chapter concludes, it's only the beginning of what's to come.

Stay connected as I explore new ways to support fellow attorneys and legal professionals with valuable resources, including workshops, expanded content, and tools designed to make legal writing clearer and more persuasive.

Here's to continued growth, learning, and excellence in legal advocacy. Keep an eye out for what's next—I'm just getting started!



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