10 Essential Ingredients of The Winning Brief.

The Winning Brief is:

- 1. Focused
- 2. Simple
- 3. Clear
- 4. Compelling
- 5. Persuasive
- 6. Accurate
- 7. Consistent
- 8. Appropriate
- 9. Precise
- 10. Provocative

How do you insure all these ingredients are in every brief you submit to the court?

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A word from (and to) the wise

"In 80 percent of all appeals, I reach a firm inclination just from reading the briefs. In 80 percent of those appeals, oral argument fails to 'flip' me. And whatever view I had before argument, in 80 percent of all appeals, my conference vote the day of the oral argument remains unchanged as the opinion is prepared.

In other words,

The earlier I am persuaded of the merits of your case, the better. At each successive stage—reading, argument, conference, and writing—your chances of persuading me to abandon any adverse inclination drop further, and dramatically. The best persuader, then, is your brief. It must carry the greater part of your side's burden."

Judge Paul R. Michel, U.S. Court of Appeals for the Federal Circuit



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The Winning Brief



We'll do the work you take the credit

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Ten Essential Ingredients of The Winning Brief

Focus.

Thurgood Marshall once said that in all his years on the



Supreme Court every case came down to a single issue. The winning brief presents that main issue and drives it home, word by word, citation by citation, without the clutter of extraneous arguments.

Simple. Judges are people first and judges second. The winning brief is written in simple, direct language that explains the argument and sticks to the point.

Clear. When reading a winning brief, the judge never stops and asks "What do they mean by this?"

Compelling. The winning brief presents the argument by building fact on fact, proof on proof, so

that the conclusion is inescapable.

Persuasive. Of course you need solid arguments, case law, and citations. But you also need to present them in a clear, compelling, persuasive way that leads the judge inescapably to your point of view.

Accurate. It should go without saying that facts, figures, and citations must be 100% accurate. They must also be literate. Many an argument has been denied because of sloppy grammar, punctuation, and spelling in the brief.

Consistent. The winning brief gives the impression that it is the product of a single mind – even when many minds have worked on it.

Appropriate. The winning brief is written specifically for the circuit in which it will be presented and the judge who will rule on it. Has the judge, for example, already written on the issue?

Precise. The winning brief establishes its argument precisely, telling the judge exactly what the issue and the argument are, with no wasted words and therefore less opportunity to disagree.

Provocative. The winning brief is a "page turner," drawing the judge into it, encouraging him/her to read it

Let me help you write your winning brief!

I'm Elizabeth "Conry" Davidson, a Board Certified Appellate Lawyer and Civil Litigator. I've spent the last 20 years developing and pursuing appeals in state and federal courts as well as providing extensive appellate litigation support at the trial level for lawyers throughout Texas, working with various law firms as contract attorney, partner, and as ECD Law, P.C.

In addition to being licensed to practice law in the State of Texas, I'm admitted to practice in US District Courts for the Northern and Western Districts of Texas, the Fifth Circuit and the United States Supreme Court.

I am well versed and highly experienced in the art and science of writing briefs.

You can check out my experience, education, and past successes at ecdlaw.com. If you have a problem you think I could help you with right now, drop me an email at ecdlaw.com or call me at 000-000-0000.

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