



*The Women's Bar Association  
of the State of New York*

*presents*

*Convention 2026  
Continuing Legal Education Series*

**Effective Legal Writing: A Panel Discussion**

May 30, 2026  
8:30 am - 9:30 am

Presenters: Pamila Gudkov, Esq.  
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Meghan Mueller, Esq.  
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# NUTS AND BOLTS OF EFFECTIVE LEGAL WRITING

By: Erin McCampbell Paris

## CITATION BASICS:

### 1. Evidentiary Citations

#### a. Submissions to Federal courts

##### i. First reference:

Ex: (Def.'s Mem. of L. in Supp. of Mot. for Summ. J. ("Def.'s Mem."),  
Dkt. Entry No. 87.)

##### ii. Thereafter: (Def.'s Mem. at 5-7.)

##### iii. With other evidence: (Def.'s Mem. at 5-7; Smith Depo. Tr. at 2-3.)

#### b. Submissions to State courts – evidentiary citations typically involve the same concepts, but check local rules for local practice preferences

### 2. Legal Citations

#### a. State/Federal Distinction

1) Federal courts tend to follow the Blue Book citation method, which most practitioners use for their submissions.

2) State courts tend to follow their own citation manuals.

3) In New York State, courts adhere to the New York Law Reports Style Manual (available at <http://www.nycourts.gov/reporter/files/2022-SM.pdf>). However, most practitioners submit briefs with citations that blend the Blue Book and State styles.

EX: *People v. Smith*, 123 A.D.2d 456, 458 (4th Dep't 2017).

NOT: *People v. Smith*, 123 N.Y.S.2d 456, 458 (N.Y. App. Div. 2017)

OR

*People v. Smith*, 123 AD2d 456, 458 (4th Dept 2017).

- b. Typically, the following tips apply to federal and state briefs.
- i. Signals assist the court by indicating why you are citing the particular source. The most commonly used signals include: *see*; *see also*; *see generally*; *but see*; *e.g.*; *compare . . . with . . .*; *cf.*; *accord*. Additionally, consult Blue Book rule 1.3 on the Order of Signals to organize your citation when it includes more than one signal.
  - ii. When your legal citation includes more than one parenthetical, adhere to the Blue Book rule on the Order of Parentheticals, Rule 10.6.
  - iii. When your citation refers to several different opinions, consult Blue Book Rule 1.4 on the Order of Authorities Within Each Signal.
  - iv. Lead with binding authority, supplement with non-binding authority when helpful.

EX: *See* [citation to binding authority]; *see also* [citation to non-binding authority].

- v. If you only have a non-binding decision to support your position, add an explanatory “citing” or “quoting” parenthetical if your authority cites or quotes binding authority.
- vi. Use nested parentheticals when the quotation in your parenthetical needs an explanation.

Ex: *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992) (“The First Amendment generally prevents government from proscribing speech, *or even expressive conduct*, because of disapproval of the ideas expressed.” (emphasis added)).

NOT: *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992) (“The First Amendment generally prevents government from proscribing speech, *or even expressive conduct*, because of disapproval of the ideas expressed.”) (emphasis added).

Ex: *Mixon v. Bronson Health Care Grp., Inc.*, 2015 WL 1478020, at \*2 (W.D. Mich. March. 31, 2015) (“The standard for deciding a Rule 12(c) motion is the same standard applicable to motions under Rule 12(b)(6), in that the outcome turns exclusively on the pleadings.” (citing *Grindstaff v. Green*, 133 F.3d 416, 421 (6th Cir. 1998))).

NOT: *Mixon v. Bronson Health Care Grp., Inc.*, 2015 WL 1478020, at \*2 (W.D. Mich. March. 31, 2015) (“The standard for deciding a Rule 12(c) motion is the same standard applicable to motions under Rule 12(b)(6), in that the outcome turns exclusively on the pleadings.”) (citing *Grindstaff v. Green*, 133 F.3d 416, 421 (6th Cir. 1998))).

- vii. Consider use of “cleaned up” instead of “alterations omitted,” “citations omitted,” or “quotations omitted” in parentheses – which is what top litigators and the Supreme Court now use for these situations.
- viii. Consult the abbreviation lists in Bluebook.
- ix. The trend is towards use of italics for citations, rather than underlining, but consult court-specific rules for preferences and/or rules.
- x. Never use superscript in a citation

Ex: *Smith v. Smith*, 58 F.3d 47, 48 (4th Cir. 2008).

NOT: *Smith v. Smith*, 58 F.3d 47, 48 (4<sup>th</sup> Cir. 2008).

### 3. Quotes

- a. Use block quotes for quotes involving 50 or more words, but do not put quotes around the text quoted.

Ex: As the Appellate Division, Fourth Department, elaborated in a case involving juror deception:

The answers given by the juror upon the voir dire examination were misleading, evasive and false. Whether she has some ulterior motive for concealing her true status and past experience is of no moment. The fact remains that she was permitted to sit as a juror upon the faith of her answers. The

defendants were entitled to a full and fair disclosure of the facts without which they could not determine whether to accept or reject her.

*People v. Pauley*, 281 A.D. 223, 226 (4th Dep't 1953) (explaining why a "juror was unfit to sit").

- b. A proper ellipse is ". . ." not "..."
- c. Use [*sic*] or [ ] to modify your quote as needed.
- d. Place commas and periods inside quotes, but semicolons and colons outside quotes.

### **LEGAL WRITING GENERALLY:**

- Give the court everything it needs to rule in your favor.
- Generally, appellate briefs include an introduction, a statement of the issue on appeal, a statement on the standard of review, a statement on jurisdiction, a discussion of facts, a discussion of controlling law, analysis of the controlling law applied to your facts, and a conclusion. Each court has its own rules on the types of sections required for submissions and the suggested title for each portion of the brief. Review local and judge-specific rules when submitting a brief to a trial court.
- Sub-section titles should enhance your writing by advocating your position in a nutshell. Readers get lost in overly wordy sub-section titles. The reader should easily be able to skim your Table of Contents and know why you should win.
- Each paragraph should have one theme or topic with an introductory sentence that guides the reader through the paragraph.
- Write a section of the law or facts when you are researching that sub-issue or reviewing that particular document or testimony. It is fresh in your mind at that time and you can shift the paragraph anywhere within the draft once it is written.
- Do not ignore strong arguments from opposing counsel, unhelpful facts, or unhelpful law. Distinguish your issue/case. Many times, the cases cited by opposing counsel can be easily distinguished or are even helpful to your position. Don't give your opponent the opportunity to use your cited cases against you.

- Every word should serve a purpose and each sentence should be technically proper.
- Strive for short, plain sentences, with some exceptions.

## **BRIEFWRITING GENERALLY**

### 1. Introduction

- |          |   |                       |
|----------|---|-----------------------|
| a. Who   | ) |                       |
| b. What  | ) | Some combination that |
| c. When  | ) | keys up issue for     |
| d. Where | ) | reader.               |
| e. Why   | ) |                       |
| f. How   | ) |                       |

### 2. Facts

- Set your definitions at the first use of each term, and then use consistently throughout the brief.
- Use footnotes when appropriate, but only if allowed under the court-specific rules. Footnotes should not contain information that is vital to your position; rather, information that is helpful.

- To get something before the court that is outside the record, but supported by the record.

Ex: 1 To achieve this rank, the juror received at least one promotion. *See* Air Force Enlisted Pay Chart, available at <http://www.airforce.com/benefits/enlisted-pay/> (last visited April 13, 2015).

- To set global definitions:

Ex: 2 For the ease of the parties and the Court, defendant's reply brief uses the same terms as defined in defendant's opening brief.

### 3. Law

- Start with the provision of the constitution, statute, or code (*i.e.* U.C.C.) at issue and quote it – that is the first step and often is forgotten.

- b. Work your way down the legal discussion to get to the branch of the law relevant to your brief.
- c. Cite to binding authority.
- d. Do not add a citation to your brief unless you have read the case in its entirety. Otherwise, you run the risk of citing to a case that favorably states the law, but, applies the law in a way that diminishes or defeats your argument. A detail-oriented opponent will use your authority against you to the detriment of your client in his or her submission if you make this mistake.

EXCEPTION: Cite to the seminal case on a particular issue even if the court in that particular case ruled against the party to which you are aligned, otherwise, your discussion would be considered incomplete.

EX: You represent a defendant who seeks to vacate a conviction on the ground of ineffective assistance of counsel. When you discuss the law on this claim, you should mention *Strickland v. Washington*, 446 U.S. 668 (1984), even though the Supreme Court did not find counsel was ineffective in that particular case because the discussion of the law would be incomplete without mention of this landmark case.

- e. Do not ignore cases that suggest that the court should rule against your client. Address their holdings and distinguish them.
- f. Do not ignore a Circuit or Department split. Discuss the split and explain why the adverse statement of the law should not be adopted by the court.
- g. The terms “legal standard” and “standard of review” are not interchangeable.

#### 4. Analysis

- a. Cite to cases with the same procedural posture as your case and start the parenthetical with the result in that case (which should align with what you are seeking for your client).

EX: *See People v. Pauley*, 281 A.D. 223, 225-26 (4th Dep’t 1953) (reversing conviction because answers given by a juror during *voir dire* were “misleading, evasive and false” and regardless of her

motive, the defendants were denied their right to a “full and fair disclosure of the facts without which they could not determine whether to accept or reject [the juror]”).

EX: *See Wisconsin Vendors, Inc. v. Lake Cnty.*, 152 F. Supp. 2d 1087, 1094-99 (N.D. Ill. 2001) (granting preliminary injunction on the ground that plaintiffs, also adult retailers, demonstrated a likelihood of success on their as-applied vagueness challenge to the terms “substantial” and “significant”).

- b. Use cases persuasively, but do not overstate holdings or misstate the law.
  - c. When there is a case on point with your facts, discuss in depth, rather than simply summarizing the holding and facts in a parenthetical citation.
  - d. Make the “feel good” argument – why the result you want makes sense.
5. Conclusion: Keep it brief, state what you want, do not re-hash arguments.

Ex. “For all these reasons, Plaintiff respectfully requests . . . .”

### **EDITING:**

- Print the brief and edit on paper copies until you are happy with the brief. Typos and other errors are easily missed when reviewing an electronic version of the brief.
- Each paragraph should advance your argument.
- Do not get sentimental about retaining any section of the draft, even if that section took a long time to research and write, if it will not be necessary to the court’s analysis.
- Consider asking a colleague with no knowledge about your client or case to review your draft for style and substance.
- Fact, cite, and quote check before submitting the brief. Many mistakes are made during the initial drafting process, which can be omitted through careful editing.