

How to Use This Book

Writing is not a spectator sport.

To master the art of writing, we must all roll up our sleeves, dig in, and prepare to do some heavy lifting. Legal writers have the additional burden of keeping a constant eye toward weaving compelling narratives. The goal is ambitious: to create an engaging, truthful, persuasive, and thematically cohesive narrative. To that end, this book is not intended for the casual reader. It is in-depth, detailed, and carefully designed to offer specific, relevant, and practical advice for the novice legal writer.

It is also different. This book endorses a three-stage framework for integrating storytelling into any type of persuasive writing. Chapter 1 introduces these three stages—processing, packaging, and revising—and makes the substantive argument for why legal storytelling is the most effective backdrop for efficient advocacy.

But before you jump into our world, we want to give you a quick primer on how to best use this book. This section unpacks the “toolbox” we have assembled for you in this text. More importantly, it gives you instructions on how to use these tools.

Stories help people understand new or abstract concepts. Our book is informed by the strength of storytelling in many ways. The book’s organization is designed to make the material accessible and highlight the intuitive nature of legal storytelling. Your instructor may elect to modify some coverage, emphasize other parts, or skip a few sections entirely. Like in real law practice, make sure you take your cues from the supervisor. This text gives you enough resources to engage with the legal storytelling process in a meaningful way. Use this book as a constant guide in class and an important resource throughout your early career.

Our sincere hope is that you will highlight, underline, mark up, and tab the book. By the end of the course or assignment, it should reflect the wear and tear of constant readings and annotations. You are not reading a magazine; rather, you are reading a legal writing textbook. That distinction alone should merit more engagement and attention.

At various places throughout the book appear what we call Cognitive Corners, which direct you on some important self-reflection throughout the writing process. These questions do not test your knowledge of the material in the book; instead, they encourage you to carefully reflect on the material and make important connections, a method of metacognition. Metacognition is often described as “thinking about

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thinking.”¹ The Cognitive Corner features will help you think explicitly about the knowledge construction process, as well as boost your ability to take your own “metacognitive pulse.”²

Why build these features into a book about legal writing? Lawyers are lifelong learners. The best lawyers are expert learners who reflect on how they best learn. These Cognitive Corners encourage you to jump-start your journey to self-evaluation. Take the extra time to think about your answers to these questions. Writing can be exhausting and stressful. In recognition of those challenges, we deliberately build in small breaks for you to reflect. A little break and reflection along the way is important to keep up your momentum.

Throughout the text, you will also see testimonials from students, practicing lawyers, and judges that reinforce the saliency of the particular skill discussed in a chapter. You are perfecting your writing skills to one day use them in practice. It is valuable to hear from your future colleagues and judges who use these skills every day. In recognition that both women and men work as lawyers and judges, we have alternated the use of pronouns for generic references throughout the book; odd-numbered chapters will use masculine pronouns and even-numbered chapters will use feminine pronouns to promote gender balance.

In addition, this book leverages familiar literary and pop culture references—everything from *Catcher in the Rye* to *Star Wars*—to make storytelling techniques accessible to you. After all, this is nothing new. According to cognitive theorists, using nonlegal examples to teach legal skills improves the velocity of learning by allowing learners to build on existing knowledge—as opposed to “starting from scratch” each time a new challenge is presented.

Even though this book on persuasive legal storytelling focuses primarily on the trial briefs most attorneys use in practice, we have made a serious effort to be comprehensive in our coverage. We address the gamut of persuasive writing documents, such as motion briefs, appellate briefs, oral argument outlines, and even cover letters. We also give you some Bonus Materials on soft skills related to writing, such as time management, editing, revising, and formatting and writing professional e-mails. These inclusions reflect our commitment to create a full toolbox for the whole legal writer. We also want to be a resource to readers who will soon transition from law students to legal interns. The Bonus Materials should help you when you take that leap.

Furthermore, you will no doubt note the graphics, images, and visual aids featured throughout the text. Yes, we know that these are not the typical additions to a law school textbook. But we also know that visual aids are essential to learning. Visual aids help people learn better because of the way images interact with the brain.³

These additions evince our commitment to a “show, don’t tell” approach. We include the visuals and other features to keep you engaged and informed. The book’s

¹ Anthony Niedwiecki, *Teaching for Lifelong Learning: Improving the Metacognitive Skills of Law Students through More Effective Formative Assessment Techniques*, 40 CAP. U. L. REV. 149 (2012).

² See MICHAEL HUNTER SCHWARTZ ET AL., *TEACHING LAW BY DESIGN* (2009).

³ Hillary Burgess, *Deepening the Discourse Using the Legal Mind’s Eye: Lessons from Neuroscience and Psychology that Optimize Law School Learning*, 29 QUINNIPIAC L. REV. 1, 38 (2011) (“Because of the way synaptic networks connect information nodes, however, once a person remembers the visual, she has access to any node that is connected to the visual by an existing pathway.”).

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multiple tools, charts, and checklists will appeal to people of different learning styles. Review the charts and build your own. Of course, there is more than one way to do things, and we want you to take ownership of the writing process.

And as every teacher has learned, a picture is worth a thousand words. For example, we could talk to you all day about the love and attention a mother shows her baby through simple gestures. We could describe her as “attentive” and “caring” and “affectionate.” Or we could share this single picture.



Finally, no book can work if you don't take full advantage of the resources available. By working through the book as an active participant—rather than a passive spectator—you will be able to master the storytelling approach to persuasive writing. Your active engagement with the material is the best way to use this book.