

IN THE BEGINNING: THE ART OF CRAFTING PRELIMINARY STATEMENTS

Wednesday, May 24, 2017

6:00 p.m. - 8:05 p.m.

Rutgers Law School

Center for Law and Justice | 123 Washington Street | Newark, NJ 07102

To paraphrase Jane Austen, it is "a truth universally acknowledged" that the beginning and end of any piece of writing make the greatest impression on readers. Thus, the Preliminary Statement of a brief is a critical opportunity to shape the way a judge responds to the issues. If the opening is nothing more than a statement setting out the parties, the nature of the claim and the procedural history, that opportunity is lost. Given the importance of "first impressions" in any form of writing and the heavy workload of most judges, the neutral introduction is not an effective way to open a brief. *Inter alia*, it launches the reader into the facts of a case without any legal framework or context that would help him/her evaluate those facts. Consequently, more and more practitioners are using the opening statement to frame the dispute to engender empathy for the client. This presentation will discuss how to incorporate a narrative theme and legal theory of the case into a Preliminary Statement. We will look at examples from briefs and judicial opinions that illustrate how to concisely highlight the strengths of a client's case and low light its weaknesses, and then work with a hypothetical case to consider how to address the difficulties of drafting a preliminary statement when the client is unsympathetic or his/her case has weak facts or law. Using the analogy of a one minute presentation to a literary agent, we will consider how to set out key facts and law as briefly as possible, integrating logos, pathos and ethos into a short document.

Faculty: Amy Bitterman

Legal Analysis, Writing and Research Instructor | Rutgers Law School

Ms. Bitterman earned her B.A. magna cum laude in history of art from Bryn Mawr College. She received her J.D., with honors, from Harvard Law School. Prior to joining Rutgers Law School she practiced law in New Jersey and New York for 13 years. She has published both fiction and non-fiction in a variety of venues, including *The Seton Hall Law Review*, *The Villanova Law and Entertainment Journal*, *Perspectives*, *Second Draft*, *The Cream City Review*, *Lilith*, *The Chicago Review* and *The William and Mary Review*. In 2013, she received a scholarship grant from the Association of Legal Writing Directors and in 2015, she was awarded a Special Mention for the Pushcart Prize.

CLE Credit Hours: NJ: 2.5 | NY: 2.5 | PA: 2.0

Registration Fee: \$60

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