

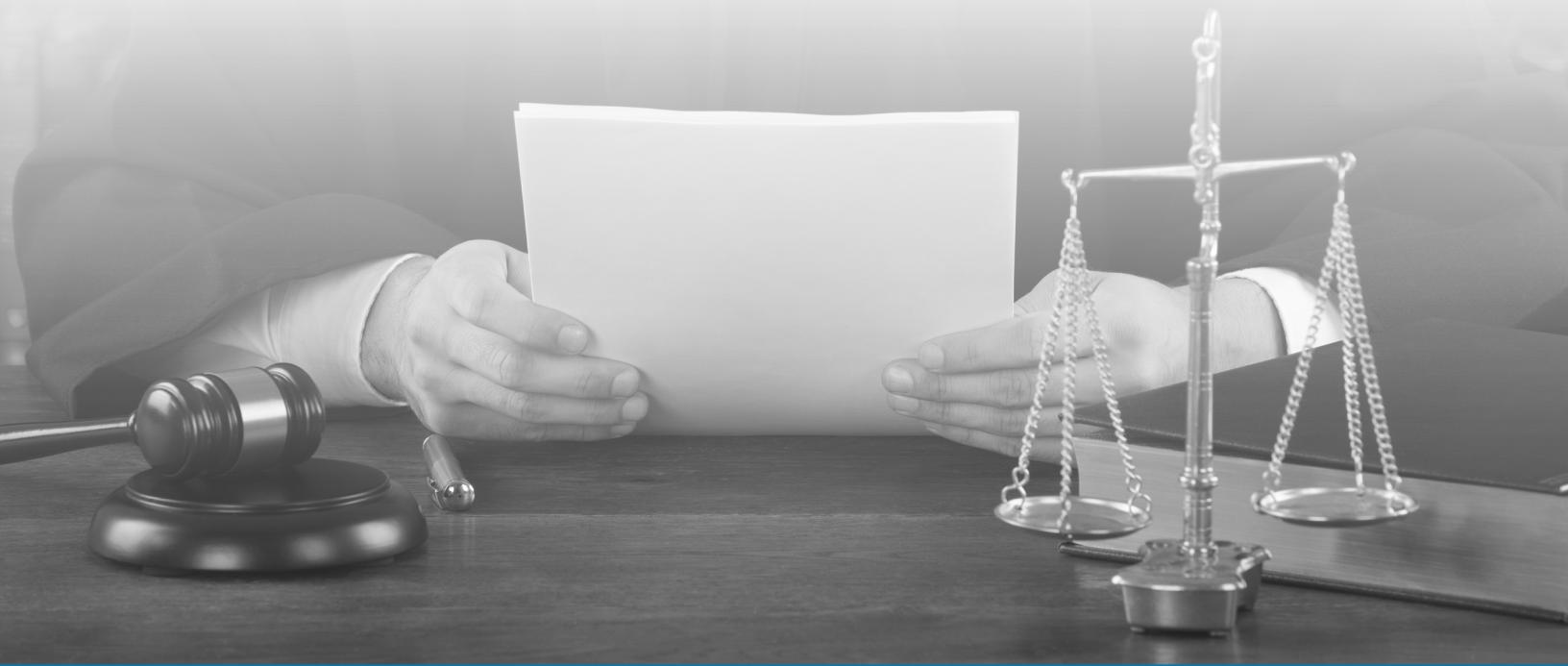


Judicial Expectations for Your Legal Writing: Avoiding the Pitfalls

*What Judges Really Want—
and How to Deliver*

Introduction

Why Good Writing Matters to Judges



Judges consistently stress that clear, concise, and organized writing directly impacts their decision-making.

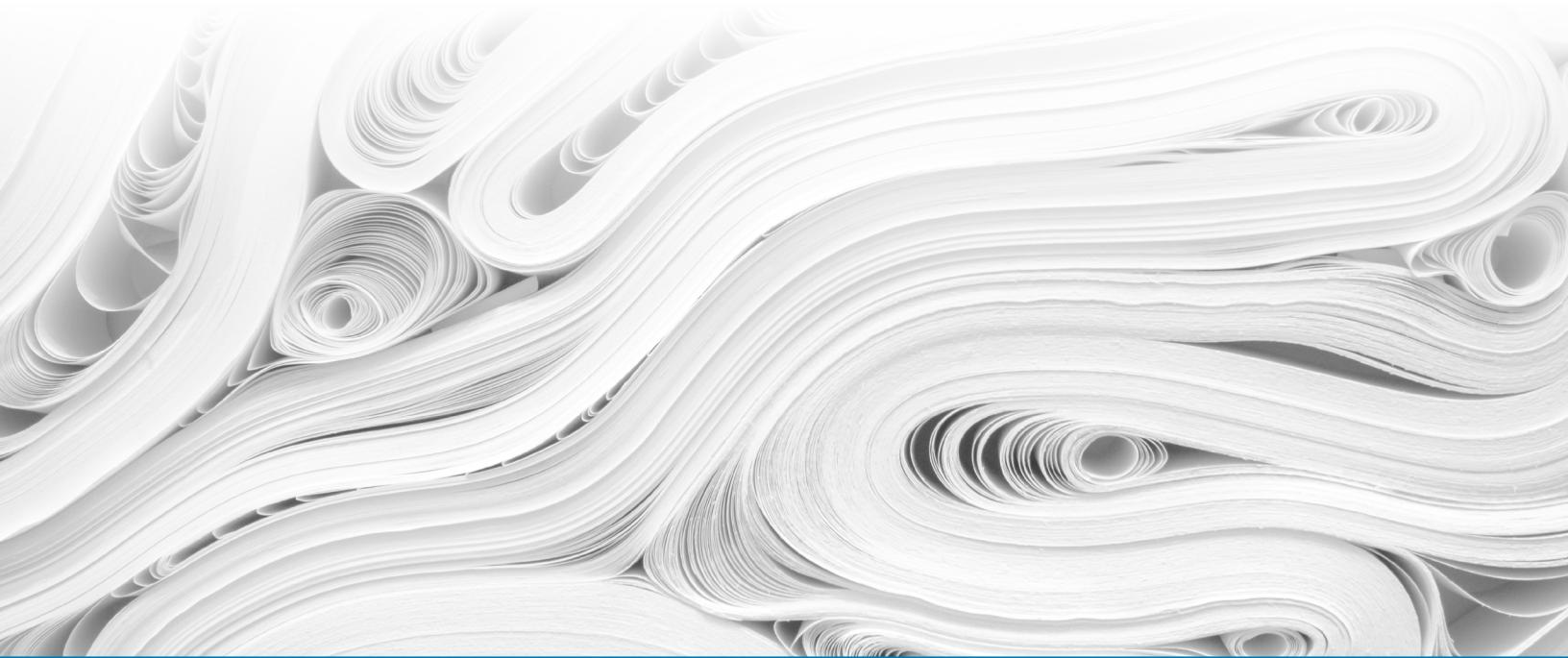
Quality briefs help judges quickly grasp key issues, making it easier to rule fairly and efficiently.

“Lucid, well-ordered writing can contribute immeasurably to a lawyer’s success.”

—Justice Ruth Bader Ginsburg, Associate Justice, U.S. Supreme Court, 1993–2020

Pitfall #1

Lengthy and Complex Writing



Judges dislike briefs that are unnecessarily long or complex.
Clear and direct language is crucial.

Key Tip

Keep your writing **brief**, **direct**, and **easy to follow**.
Avoid legalese and unnecessary jargon.

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“A judge who realizes that a brief is wordy will skim it; one who finds a brief terse and concise will read every word.”

—Justice Antonin Scalia, U.S. Supreme Court 1986-2016

Pitfall #2

Poor Organization



Judges value briefs with logical structure.
Clear headings and logical organization
help guide readers through arguments.

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*“Brilliant rhetoric will only carry you so far—
if your piece does not follow a clear structure,
many of your points will be lost or misunderstood.”*

—Columbia Law School Writing Guide

Pitfall #3

Demeaning Language and Hyperbole



Judges prefer **respectful** and **professional** briefs.
Avoid inflammatory language and
personal attacks that undermine credibility.

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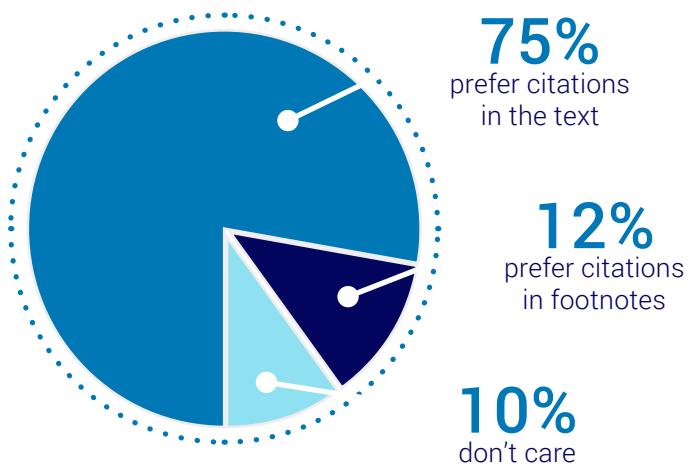
“As the guardians of the Rule of Law that defines the American social and political fabric, lawyers should embody civility in all they do.”

—Jayne Reardon, American Bar Association Journal

Pitfall #4

Misplaced and Excessive Citations

Judges overwhelmingly prefer citations placed directly in the text rather than in footnotes for easier readability.

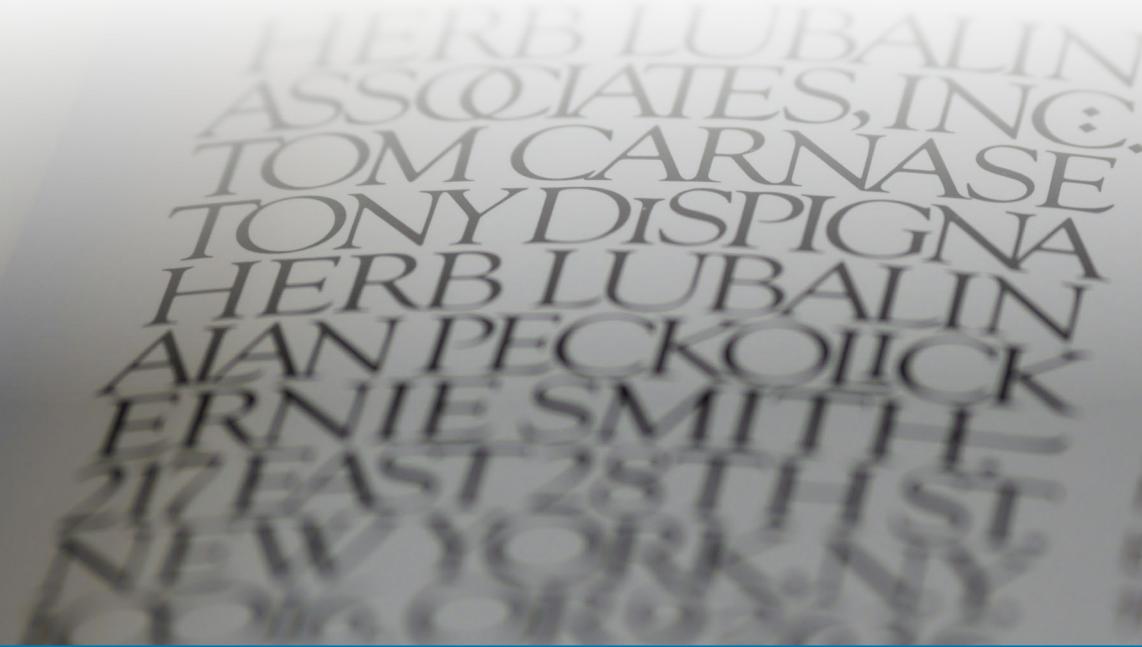


“Footnotes are to be used sparingly and citations to textual matter shall not be used in footnotes.”

—U.S. District Judge Beth Labson Freeman (standing order)

Pitfall #5

Overusing Bold, Italics, and All Caps



Judges find excessive typographical emphasis distracting and unnecessary.

76%

76% accept occasional emphasis in bold or italics, if used sparingly.

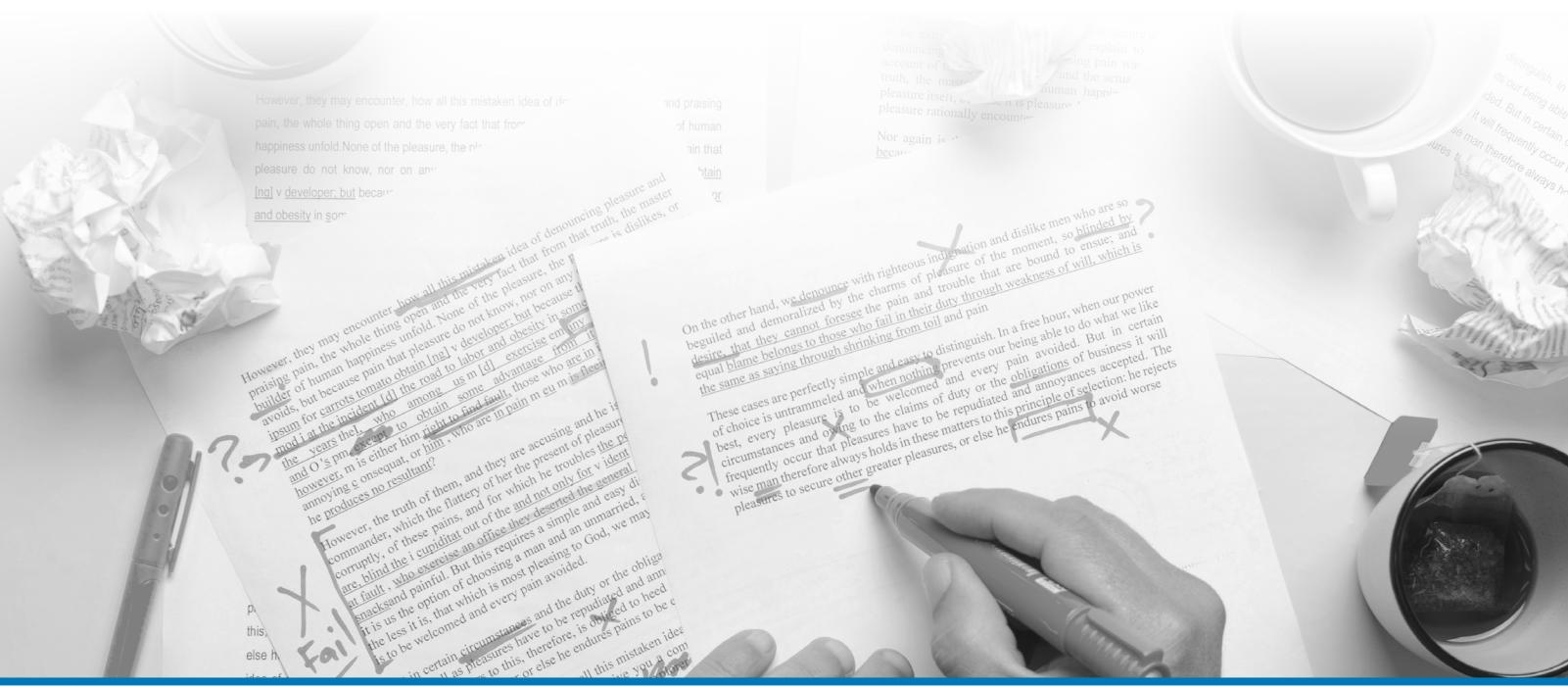
Judges strongly discourage **ALL CAPS** and underlining.

“*You can improve your chances by making your briefs typographically superior. It won’t make your arguments better, but it will ensure that judges grasp and retain your points with less struggle.*”

—7th Circuit Court of Appeals Handbook

Pitfall #6

Grammar, Typos, and Formatting Errors



Judges strongly dislike briefs filled with errors. These mistakes undermine your credibility and suggest carelessness.

Additional Insight:

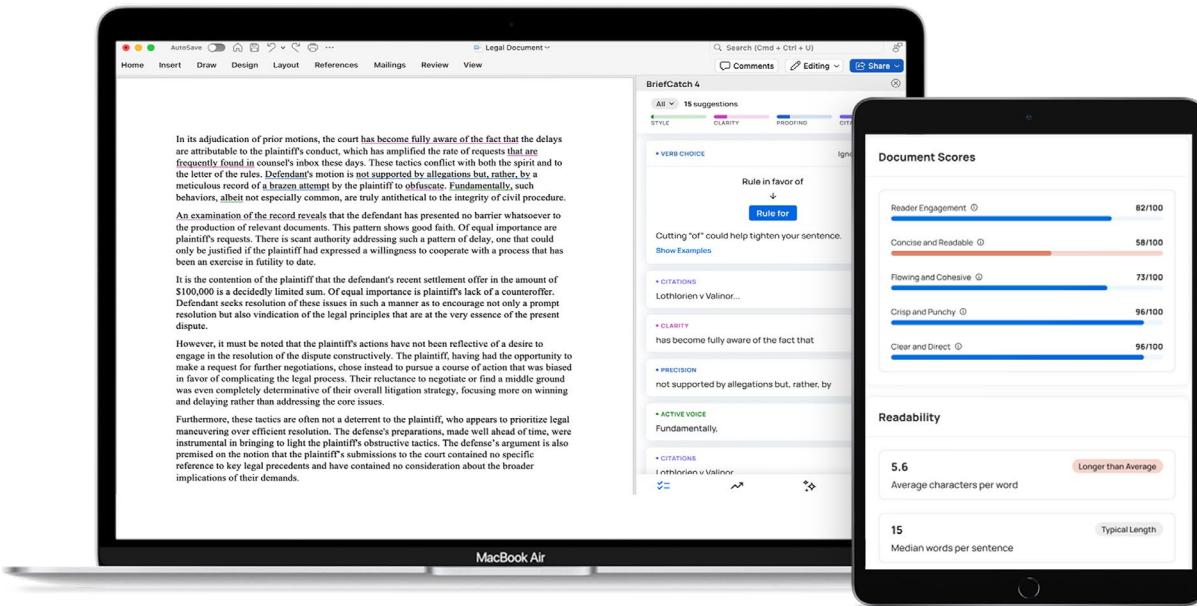
Judges overwhelmingly prefer **two spaces after periods** (62%), reflecting traditional readability practices.

“A lawyer who is careless about typos or formatting is usually careless about substance as well. Filing a brief with these mistakes is like walking up to the podium with stains on your shirt.”

—Raymond Kethledge, U.S. 6th Circuit Court of Appeals

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Impress Judges With BriefCatch



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- Improve structure and organization
- Ensure appropriate tone and civility
- Optimize citations for effectiveness
- Eliminate grammar, spelling, and formatting errors

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About BriefCatch

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Created by Ross Guberman, a globally recognized authority in legal writing who trains all new federal judges, BriefCatch harnesses a proprietary, patent-protected algorithm built on years of in-depth analysis of leading legal and judicial writers. Our focus is on helping lawyers achieve better outcomes, improve efficiency, and eliminate unnecessary write-offs.



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