

**SOME SUGGESTIONS FOR MAKING  
WRITTEN SUBMISSIONS AS EFFECTIVE AS POSSIBLE**

1. Remember the basic objective
  - advocacy is all about persuasion
  - construct the submission with the conscious goal of maximizing its persuasive effect
  - measure every aspect of the writing project against this yardstick
  
2. Sort things out thoroughly *before* beginning to write
  - work hard to understand what the case is *really* about
  - think in terms of principles and concepts
  - identify the issues
  - characterize the issues in the most advantageous way
  
3. Spread a wide research net
  - look beyond the borders of Saskatchewan for case law
  - check texts, periodical literature, etc.
  - unearth the most recent cases
  
4. Write with a sense of what makes judges tick
  - they want to find a just result
  - they are attracted to workable middle ground
  - they don't like absolutes and normally won't take a giant step if a baby step will do
  - especially in the Court of Appeal (and in the Supreme Court even more so) they might be prepared to reshape or reconsider the existing law
  
5. Adopt a format that makes life easy for the judge
  - prepare a detailed table of contents
  - break the submission into pieces: introduction, facts, issues, etc.
  - use numbered headings and sub-headings

- employ simple sentence structures and short paragraphs
  - leave sufficient “white space” on each page
6. Use a “context first” writing style
    - the judge should never wonder why he or she is reading something
    - make your point and then lay out the detail
    - this applies to the submission as a whole, to each section of it and even to individual paragraphs
  7. Strive for concision and clarity
    - cut out unnecessary legal and factual detail
    - write as crisply and cleanly as possible
    - construct clear, logical lines of argument
  8. Remember to marry the law to the facts
    - a brief isn’t just a legal treatise; it isn’t just a recitation of the facts
    - it must develop the law and demonstrate how, on the facts, a particular result is mandated
  9. Be scrupulously accurate
    - state the facts and the evidence with care
    - ensure authorities stand for what they are said to stand for
  10. Sweat the details
    - ensure legal citations are accurate; cite to specific paragraphs of case reports
    - cite statements of fact to the specifics of the evidence
    - eliminate typos, etc.
  11. Edit and revise
    - Mozart could get it right the first time. Most lawyers (and judges) must write, rewrite, reorganize, revise, edit, etc., etc., etc.
    - the more polishing, the better the product

12. Respect the Rules

- use the prescribed format, if any
- file on time and be considerate of opposing counsel

13. Provide copies of authorities

- most judges appreciate receiving copies of authorities referred to in the brief
- highlight or otherwise identify relevant passages

Justice Robert G. Richards  
Court of Appeal for Saskatchewan

17 November 2009