

5 Dos and Don'ts

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Dos

1. Use the Introduction or Overview portion of a written argument to state what the case is about in a way that get the reader's attention and makes it clear why your client should prevail.
2. State the *essential* facts fairly but emphasize those which are important to your case.
3. State the Points in Issue on your terms, especially if you are the respondent.
4. Be concise. If it takes several pages to develop a legal argument, it is likely not a very good one.
5. Proofread, *edit* and proofread again. You should always assume that your first draft will require significant modifications. Be prepared to put the draft aside for a day. When you proofread, look for a more concise, direct and *persuasive* way to state the case.

Don'ts

1. Never overstate or exaggerate the facts.
2. Avoid lengthy quotations from and factual summaries of other cases. In most instances you should be able to explain what the case decided and why it is important in one or two lines.
3. Avoid the use of neutral and passive language when describing facts that are important to your case.
4. Don't repeat yourself.
5. Don't concede important points without researching the issue. If concession is unavoidable, make it and explain why it does not matter.