

# PERSUASIVE LEGAL WRITING

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*The beauty of our system is we resolve our disputes by words, and arguments and reason.*

~ Neal Katyal

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I. Technological Change

- a. Medical
- b. Legal

II. Purpose of Writings

- a. Informational
- b. Directive
- c. Comparative
- d. Persuasive

III. Argument

- a. Audience
  - i. Trier of Fact
  - ii. Appellate Court
  - iii. Client
  - iv. Opposing Party

b. Structure

i. Avoid Default Organizations

1. Our minds are stocked with ready made organizing patters that we use more often than we should, especially when we are tired, bored or in a hurry. These organizing patterns are acceptable but tend to be overused.

2. For example:

- a. when we write about facts we turn to instinctively to chronology.
- b. When we respond to someone else's argument, we're tempted to adopt its structure as our own
- c. When we write about complicated analysis, its easiest just to retrace the path we took in thinking about the issue.

ii. Topics to be organized

1. Law
2. Facts

c. Strong Introductions

- i. There is a difference between starting an opinion and introducing it.
- ii. A start simply takes hold of a loose end of a string, usually some point in the case's history.
- iii. A true introduction is much more ambitious and is useful to both the author and the reader.
- iv. It makes the reader smart enough to deal with the complexities that follow. It grabs the readers attention. And, it gains the reader's respect.

1. SMART
2. ATTENTIVE
3. RESPECT

d. Principles of Persuasive Writing

- i. Focus before details
- ii. Familiar information before new
- iii. Break information into segments
- iv. Keep segments concise
- v. Prioritize information

IV. Proof Read

V. Close