

# MindCraft: Creating and Building Better Legal Writing

June 26, 2017

TN Bar Center – Nashville, Tenn.



**Total Credits:** 4.25 hours

Don't worry. It's not a rehash of Legal Writing from law school. Rather, we'll take a look at some key "big picture" approaches to writing that many practitioners – whether litigators or transactional attorneys – may lose sight of. Similar to the ever-popular Minecraft videogame, we will create and build from the bottom up. You will learn the right building blocks and skills needed for writing persuasively, improving counterarguments, proofreading techniques and ways to avoid the ax. We also will talk about some specific techniques for improving your writing.

9 a.m. – 9:30 a.m.



**Registration and Welcome**

9:30 – 10:15 a.m.

## **Building Blocks for the Right Audience (45 minutes)**

All attorneys must write persuasively at some point. Before you begin writing, you should know your goals, your audience and your audience's characteristics (judge vs. opposing counsel vs. client). We will discuss how and why different audiences read differently, and what you can do to maximize the effectiveness of your writing.

David Raybin, *Raybin & Weissman PC*

10:15 – 11 a.m.

## **Mining and Smelting – How to Extract the Good Stuff from the Rocks (45 minutes)**

Specific writing techniques for analogizing to and distinguishing from precedents will be reviewed. We will discuss topics such as word choice, writing techniques for dealing with favorable and unfavorable facts or law, avoiding nominalizations, and using plain language.

Elizabeth Sitgreaves, *Law Office of John Day*

11 – 11:15 a.m.



**Break**

11:00 a.m. – 12:00 p.m.

**DUAL**

## **How High Should you Build? Knowing When to Stop (1 hour)**

Discussion on ethical obligations of candor and dealing with case law. Other topics will look at selecting and ordering arguments, organizational techniques for complex arguments, and how much argument is too much.

Edmund Sauer, *Bradley*

12:15 p.m. – 12:45 p.m.



**Lunch provided**

12:45 p.m. – 1:45 p.m.

**How to Tear Down What Opposing Counsel Has Built (1 hour)**

This segment focuses on specific writing techniques for counterargument (arguing without *arguing*). You will learn that good persuasive writing *sounds like* good predictive writing, but it isn't.

Tiffany G. Johnson, *QP Legal*

1:45 p.m. – 2:30 p.m.

**Putting the Final Touches in Place – How to Complete Your Construction (45 minutes)**

Start early, finish early, and give time to look with “fresh eyes” are the key points in this session. Learn how to proof in hard copy, proofing backwards, and how to avoid search-and-replace pitfalls. And as a bonus: a fun list of the most painfully awesome typographical errors.

Tiffany G. Johnson, *QP Legal*