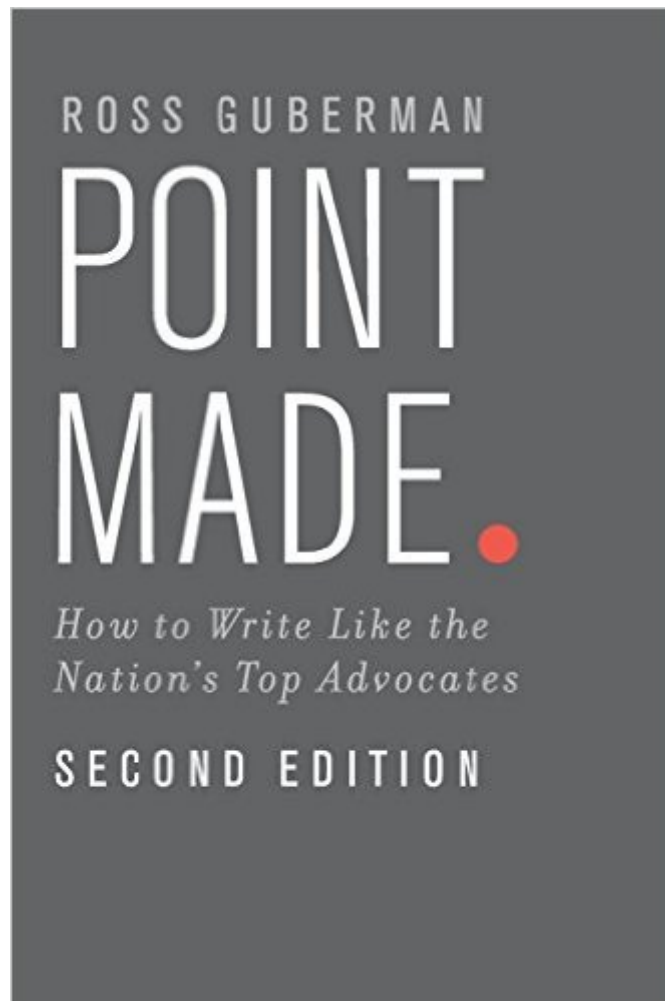


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# Point Made: How To Write Like The Nation's Top Advocates



## Synopsis

With *Point Made*, legal writing expert, Ross Guberman, throws a life preserver to attorneys, who are under more pressure than ever to produce compelling prose. What is the strongest opening for a motion or brief? How to draft winning headings? How to tell a persuasive story when the record is dry and dense? The answers are "more science than art," says Guberman, who has analyzed stellar arguments by distinguished attorneys to develop step-by-step instructions for achieving the results you want. The author takes an empirical approach, drawing heavily on the writings of the nation's 50 most influential lawyers, including Barack Obama, John Roberts, Elena Kagan, Ted Olson, and David Boies. Their strategies, demystified and broken down into specific, learnable techniques, become a detailed writing guide full of practical models. In *FCC v. Fox*, for example, Kathleen Sullivan conjures the potentially dangerous, unintended consequences of finding for the other side (the "Why Should I Care?" technique). Arguing against allowing the FCC to continue fining broadcasters that let the "F-word" slip out, she highlights the chilling effect these fines have on America's radio and TV stations, "discouraging live programming altogether, with attendant loss to valuable and vibrant programming that has long been part of American culture." Each chapter of *Point Made* focuses on a typically tough challenge, providing a strategic roadmap and practical tips along with annotated examples of how prominent attorneys have resolved that challenge in varied trial and appellate briefs. Short examples and explanations with engaging titles--"Brass Tacks," "Talk to Yourself," "Russian Doll"--deliver weighty materials with a light tone, making the guidelines easy to remember and apply. In addition to all-new examples from the original 50 advocates, this Second Edition introduces eight new superstar lawyers from Solicitor General Don Verrilli, Deanne Maynard, Larry Robbins, and Lisa Blatt to Joshua Rosencranz, Texas Senator Ted Cruz, Judy Clarke, and Sri Srinivasan, now a D.C. Circuit Judge. Ross Guberman also provides provocative new examples from the Affordable Care Act wars, the same-sex marriage fight, and many other recent high-profile cases. Considerably more commentary on the examples is included, along with dozens of style and grammar tips interspersed throughout. Also, for those who seek to improve their advocacy skills and for those who simply need a step-by-step guide to making a good brief better, the book concludes with an all-new set of 50 writing challenges corresponding to the 50 techniques.

## Book Information

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## Customer Reviews

All lawyers want to write winning briefs, so why do so few of us do it? I think Bryan Garner once said that the average judge considers only a small minority of briefs useful -- not good, just useful. I think a big reason -- maybe the biggest reason -- is that we don't have good examples. We base our work on prior work that other lawyers in the firm filed; they based it on other lawyers' work before that, and so on. Most of that previous work wasn't well written to begin with, and it gets worse with each iteration. Ross Guberman is here to give you good examples. Tons of good examples, innumerable good examples, from the top legal writers in the profession. Examples from briefs by Ted Olson, Larry Tribe, Alan Dershowitz, Don Verrilli, Ken Starr, and many other famous lawyers fill the pages. Many of the attorneys here - John Roberts, Ruth Bader Ginsburg, Frank Easterbrook, and Barack Obama - later went on to bigger and better things. Guberman then analyzes the examples and breaks down, step by step, how these masters of legal writing achieved the results they did, and how you can do the same. He shows how these lawyers select their theme, how they state the facts in the best possible way for their clients, how they eliminate surplusage from their statements of facts, and how their style contributes to victory. Each of these techniques is broken down into step-by-step instructions, with exercises to enable you to learn them yourself. This book is a must-have for any attorney interested in their own professional development - which is to say, all attorneys.

This is the second edition of Guberman's book. He has also written a companion book called *Point Taken*, which is about writing good judgments. The basic points about good writing overlap in the two books. The difference, which justifies the two different books, is that persuasion is more important in a lawyer's writing than a judge's judgment for several reasons. The main one being that the lawyer is concerned mainly with one point of view. The judge has to balance both views. Rhetoric sounds acceptable and often useful in a lawyer's argument, but less so in a

judgment. Guberman not only teaches good writing styles, but also gives useful tips on citations and footnotes in the lawyer's submissions (or briefs). If all lawyers read and practise what this book advises, archaic and often dull and unintelligible legal writing will disappear.

Without a doubt, this is essential reading for any legal writer seeking to produce creative, persuasive writing. Mr. Guberman's crack advice, sharp prose, and examples from the nation's top advocates make this a must have for law students and attorneys.

Heard good things about this book at a CLE last year, finally bought it. Excellent examples and explanations. I don't know if it would translate well into other professions -- but great resource for lawyers / paralegals.

Outstanding book for an advocacy writer at any level. The best examples I have seen in 40 years of teaching brief writing. I am using it now to teach, but it can be used effectively by writers to provide guidance and examples at every stage of the process. I wish I had found this book earlier.

This book has been one of the most influential legal writing books I have read over the course of my entire legal career. It is so good that I have paid for it three times now: (1) the first edition for Kindle; (2) the second edition paperback; and (3) the second edition for Kindle. If Mr. Guberman comes out with a third edition, count me in for that too. It's so helpful that, after reading the first edition, I started asking junior associate candidates interviewing at my last firm if they had read it--as a litmus test of sorts for how serious they were about the craft of writing. And every associate I've supervised since has had this book on their list of required reading for working with me. One big problem with most legal writing is that it reads like lawyers and judges wrote it. Perhaps an even bigger problem is that most lawyers and judges don't realize that this is a problem. I've lost count how many times I've read terrible briefs by lawyers with big resumes at big firms who think that their briefs are the stuff of legend. (I confess I'm guilty of that myself.) Point Made does a great job using examples from the elite of the elite to show us mere mortals (everyday practitioners like me whose names are not John Roberts or Seth Waxman) that we're not as good as we thought we were. But Mr. Guberman doesn't leave you in the gutter for too long: Point Made does a fabulous job providing concrete examples to improve your writing dramatically today. I give Point Made the strongest recommendation possible. And if you get a chance to attend one of Mr. Guberman's seminars, do whatever it takes to get to one. I've had the privilege of attending a couple. Mr. Guberman is as

good in person as he is on paper.

I very much enjoyed the structure of this text. It was very approachable and informative. I recommend this for all writers, not just those in the legal realm. I used it to help smooth out the bumps in a capstone research paper for my undergraduate degree. I passed on many tips from Guberman to my classmates.

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