

# Writing Plainly

UTCLE Conference on Criminal Appeals

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*LEGIBLE (blog)*

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Operations within the Sector Franchise Fund were impacted by the June 20, 2018, AS-PTT Memorandum, Customer Approval Process for the Sector Business Center, directing AOD to divest external customers, as well as the review and denial of particular requests for assisted acquisition support from external customers including the planned divestiture of AOD's 5 largest customers: TARCA, CARCA, TICOM, VCDo, and DOTS&R.

In response to the AS-PTT direction and review process, AOD did not conduct its usual business development efforts, existing customers were confused by the approval process and lost confidence in AOD's ability to continue to perform assisted acquisition support for external customers, AOD's hiring freeze led to 40 departures which have not been backfilled impacting the ability to seek and perform new work and certain existing customers did not send additional work to AOD.

Overall, FY 2018 AOD actions decreased 9% and obligations decreased 22.5% over FY 2017 and Quarter 3 and 4 revenue within the EFFL represented a \$16.8M decrease in FY 2018 compared to FY 2017. Disapproval of requested acquisition support led to a direct loss of \$5.1-\$5.9M (Tab A) in revenue for AOD. Additional revenue was likely lost due to existing and potential customers not reaching out to AOD for support as rumors that AOD would no longer be servicing external customers circulated in the shared service community. As a result, AOD generated less revenue than projected, expenses slightly exceeded revenue, the EFFL Annual Reserve was funded below optimal levels and AOD did not generate enough revenue to contribute to the Sector Franchise Fund Capital Improvement Reserve.

Average sentence length = 43 words | Flesch Reading Ease Score = 0.0 | Flesch-Kincaid Grade Level = 24

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## Two questions

What is plain English?

Should appellate briefs be written in plain English?

## For me ...

Plain English is a form of legal writing that can be read and understood by the typical nonlawyer.

Therefore, no. Appellate briefs did not need to be written in true plain English.

*Fly a Cessna.*

## Original

In this challenge to the legal sufficiency of the conviction of the defendant, the relevant question this Court is to decide on appeal is whether, after the evidence and all reasonable inferences drawn therefrom are viewed in the light most favorable to the State, “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

## Plain English

The defendant, the man convicted of a crime in this case, says his conviction wasn’t legally sufficient. In other words, he says that the evidence against him didn’t meet the legal requirements. Based on a U.S. Supreme Court case called *Jackson v. Virginia*, we’re asking you to decide whether a rational fact-finder, like a jury, for example, could’ve found the essential elements of the crime beyond a reasonable doubt. In other words, based on the evidence, could a reasonable person have decided that the defendant committed the crime? In answering our question, you view the evidence and the reasonable inferences (the fair conclusions) from the evidence in a way that favors us—the state.

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