

A Strategic Look at Post-Submission Briefs



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How often do they affect
disposition of a case?

Judicial Survey 2015

Rarely: 65%

Sometimes: 33%

Never: 2%



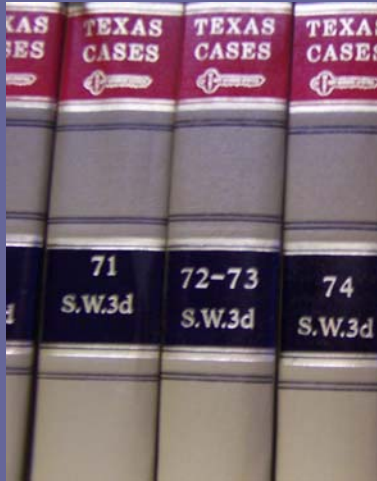
Start Early

Before Submission

Identify incomplete arguments and responses:

- Incorporate critical omissions into argument
- Use oral argument exhibits as a substitute for a post-submission brief

Before Submission



Address new authority in a pre-submission filing if it is:

- Compelling or persuasive
- Noncumulative
- Substantive

Before Submission

Take steps to preserve the argument:

- Check to see if audio/video available from court
- Have someone attend argument to transcribe questions



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