



2020 APPELLATE JUDICIAL SURVEY

UT LAW CLE 30TH ANNUAL CONFERENCE ON STATE AND FEDERAL APPEALS

SCOTT ROTHENBERG
KENT RUTTER
JOANN STOREY

1



BRIEFS

ISSUES, FORMATTING, GRAPHICS, CITATIONS, EXTENSIONS & APPENDIX

2

BRIEFING PET PEEVES: 43 COMMENTS

Too long/repetitious

17x

Sloppy writing, inadequate analysis

10x

Failure to properly apply standard of review

7x

Lack of organization

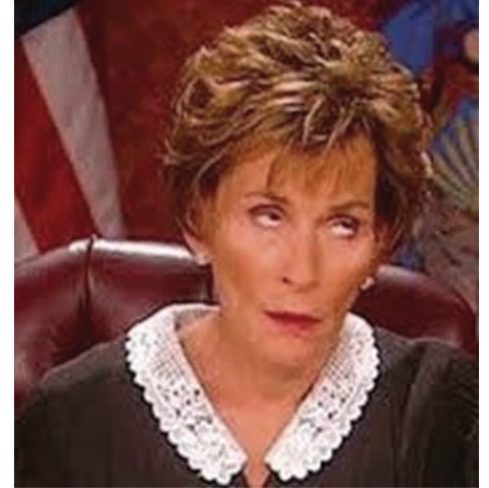
6x

Vitriol and emotional “jury arguments”

3x

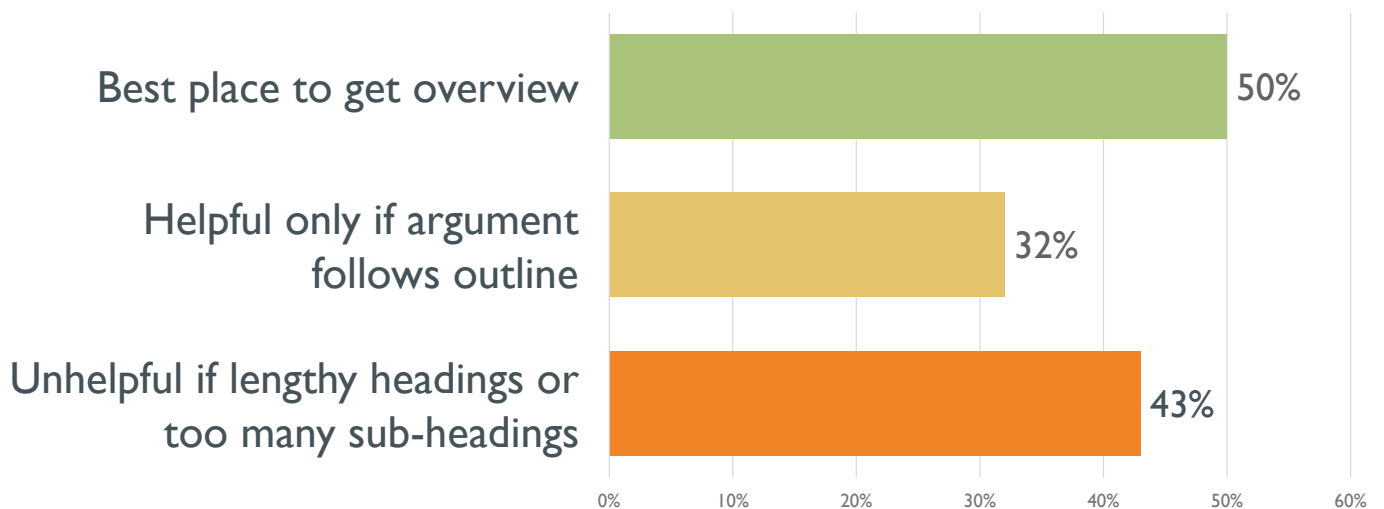
Reply brief means reply, not repeat

3x



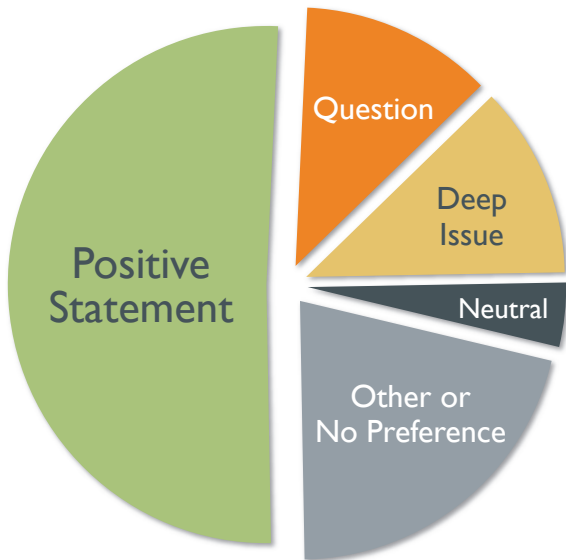
3

TABLE OF CONTENTS



4

PHRASING THE ISSUES



51%

Positive Statement: “The trial court erred by..”

12%

Question: “Did the trial court err by...?”

12%

Deep Issue: “Expert testimony is reliable if...”

4%

Neutral: “Whether the trial court erred by...”

5

GRAPHS, CHARTS, AND PICTURES

When asked about graphs, charts, and pictures, 50% of the justices responded that these items should be used more, 30% responded that they are being used the right amount, 4% responded that they should be used less, and 4% responded that they should not be used at all.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: 2020 Texas Appellate Judicial Survey

Also available as part of the eCourse

[eSupplement to the 2021 Robert O. Dawson Conference on Criminal Appeals](#)

First appeared as part of the conference materials for the
30th Annual Conference on State and Federal Appeals session
"2020 Texas Appellate Judicial Survey"