

Transactional Lessons Learned At The Courthouse

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The Accidental Litigator

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Introduction

- Litigation is a popularity contest
 - a. lawyers;
 - b. client representatives;
 - c. witnesses;
 - d. story; and
 - e. paper trail;
- Win their hearts, and their heads will follow
- "Junk-yard dogs" rarely prevail at trial
- Ethos-Pathos-Logos
- No citations to legal authorities
- Appellate cases reveal the tip of the iceberg and fail to provide practice pointers
 - The analysis is tilted
 - Perceptive of appellate court versus trial court
 - Jungle Battle
 - DAYL Conversation
 - Sully
 - Black Hawk Down
- Planning the battle versus battling the plan
 - Mike Tyson
- Practice pointers
 - theory versus practice

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Winning Formatting

- Tell a story
- Table of contents and cover page
- Fonts
- Margins
- White Space
 - Music
 - Architects and engineers
 - More white space = more readable
 - Single-space, but look for line spaces
 - Consider the outline form, at least in part
 - Search for and & or
- Top heavy and left sided or centered
- Use headings smartly
- Lists
- Inquiries
- Ground-Lease Case
- Conspicuousness

4

Winning Punctuation

- Art, Science, Personal Preference
- Punctuation Zombies
- Failure to comma
- Use comma for soft pause
- Use colon to present a thought
- Use semicolon to continue a thought
- Use period to end a thought
- A run-on sentence is a cardinal sin
- Too many stop signs can be troublesome
- Exclamation Points and Question Marks are taboo
- Semicolon may be the answer
- Oxford comma is winning punctuation
- It is not a university mascot, it is not optional
- Oxford comma case

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Winning Legalese

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