

# 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

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## 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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