Appeals: Writing, Editing, Persuasion & Ethics
Co-sponsored by the Washington Appellate Lawyers Association
March 29, 2012
Rainier Square Conference Center, 1301 Fifth Avenue, 3rd Floor Atrium, Seattle
6.50 CLE Credits, 5.50 General and 1.00 Ethics

Featuring
Professor Timothy P. Terrell
Emory University School of Law

Professor Timothy P. Terrell, a former Fulbright Scholar, received another Fulbright grant-in-aid for scholarly research and teaching in England. Before coming to Emory, he practiced with the Atlanta law firm of Kilpatrick & Cody. His works include "Rethinking Professionalism" and "When Duty Calls" both published in the Emory Law Journal (1992); Thinking Like a Writer: A Lawyer’s Guide to Effective Writing and Editing (Clark Boardman Company, 1992); and several articles on legal writing and editing for West Publishing Company's Perspective periodical.

Professor Terrell is director of the Hugh M. Dorsey Jr. Fund for Professionalism and also has been active in continuing legal education for practicing lawyers, presenting programs around the country for the American Law Institute and the National Practice Institute on legal writing and legal ethics. He served part-time as the director of professional development for the Atlanta law firm of King & Spalding, assisting that firm in developing its associate training program. He also helped produce two videotape-based educational programs on legal ethics, one for prosecutors and criminal defense lawyers, the other involving representation of clients in the healthcare industry.

Highlights
➢ Professor Terrell’s presentation on editing and communicating with associates and colleagues to produce a good written product promises to be quite different from the usual cook book writing seminar.

➢ Professor Terrell will be speaking the following day to the appellate judges at their retreat on the topic of editing law clerks’ work and opinion writing.

➢ Experienced appellate lawyers will share insights into the world of appellate practice.
AGENDA
8:30-9:00am  Registration and Coffee Service

9:00–9:10  Program Overview
Kenneth W. Masters, Masters Law Group PLLC

Advanced Legal Writing and Editing, Part I

9:10–9:30  Communication Theory, Effective Writing, and Effective Editing:
This initial segment of the program sets the foundation for all that follows. Its purpose is to identify the principles that should guide a writer in drafting and revising all levels of a document – its overall organization, paragraphs, and sentences. This segment also introduces the basic principles of editing, focusing on how to diagnose writing problems and develop the discipline to edit in stages.

9:30–10:30  The Principles of Clarity Applied – The Importance of “Meta-Information” and Strong Introductions: With the foundational principles in mind, the program demonstrates how the key to any good document is not the “information” it contains, but the “meta-information” that prepares the reader to absorb and appreciate the information: context, flow, and structure. Examples illustrate the importance of these qualities at both “macro” and “micro” levels within the document. As a specific application of the concept of “meta-information,” the program focuses on the beginning of the document, where the relationship with the reader is established. The elements of a strong introduction are identified – making the reader “smart,” “attentive,” and “comfortable” – and then applied to several examples.

10:30–10:45  Break

10:45–11:30  Principles of Internal Organization: Rather than discuss the idea of organizing legal material generally, which is too basic, the program focuses on the problem of “default” organizational forms that can plague the documents of even the most experienced writer. These lessons are then applied to organizing both legal and factual material.

11:30–12:00  Paragraph Principles: Still drawing on the principles described at the program’s start, this segment emphasizes the methods that create focus, coherence, and appropriate emphasis in a paragraph, as well as how best to make sentences fit together smoothly.

12:00–12:30  Editing Exercises: The program will conclude with an analysis of a few exercises that permit the audience to apply the approach to editing developed during the program.

12:30–1:30  Lunch on your own
**Writing to Persuade: Rhetoric, Coherence, and Confidence, Part II**

1:30–1:50  **Basic Strategies of Persuasion:** The initial segment of the program develops the differences among “thinking like a lawyer,” “thinking like a rhetorician,” and “thinking like a writer,” which too many litigators lump together. Some important aspects of rhetoric theory are developed and applied to the modern situation of persuading judicial readers in particular.

1:50–2:20  **The Principles of Clarity Applied: The Importance of “Meta-Information” and Strong Introductions:** This portion of the program will use the analysis and themes introduced in the morning segment, but focus that perspective on writing briefs.

2:20–2:50  **Principles of Internal Organization:** Returning to another of the morning’s themes, this segment of the program will focus on the structure of compelling legal and factual stories in briefs.

2:50–3:00  **Rhetorical Flourishes at the “Micro” Level:** Principles of rhetoric also apply at the “micro” levels of a brief, and the elements that produce emphasis in a writer’s prose within paragraphs and sentences will be identified and explored, as time permits.

3:00–3:15  Break

**Panel Discussions, Part III**

3:15-4:00  **Strategizing and Writing the Briefs**
Moderator: Kenneth W. Masters, Masters Law Group PLLC
Professor Tim Terrell, Emory University School of Law
Eric G. Broman, Nielsen Broman & Koch PLLC
Howard M. Goodfriend, Smith Goodfriend, P.S.
Lila J. Silverstein, Washington Appellate Project
James M. Whisman, King County Prosecuting Attorney – Appellate

4:00-5:00  **Ethics of Persuasion and Appellate Advocacy**
Moderator: Kenneth W. Masters, Masters Law Group PLLC
M. Craig Bray, Disciplinary Counsel, WSBA
Shelby L. Frost Lemmel, Masters Law Group PLLC
Emmelyn M. Hart, Talmadge Fitzpatrick PLLC
Valerie A. Villacin, Smith Goodfriend, P.S.
Melissa O’Loughlin White, Cozen O’Connor

5:00pm  Evaluations and Adjournment
5 WAYS TO REGISTER!
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Important Notices
**Please advise KCBA in advance of any condition that may impact your participation at the seminar so we may ensure appropriate and comfortable accommodation.  **If you must cancel, tuition will be refunded less $40, if cancellation is received in writing (cle@kcba.org or fax, 206.267.7099) by 5:00pm, March 27, 2012.  After this date, no refunds will be permitted, however, substitute attendees are welcome. **Walk-in registrations are welcome as space permits.