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Part 1: Down the Rabbit-Hole? Appellate Briefs in California State Courts and Legal Research Adventures.

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[Note: Only Part 1 of this article appeared in the *San Francisco Daily Journal*. Part 2, the "Attorney's Attorney's Guide to Law Library Sources of State Court Briefs" appears on this site only.]

Alice's Adventures in Wonderland has instructive insights for children of all ages, especially attorneys. The story can be stretched to suggest an insight about the usefulness of briefs in legal research.

Alice trips over the jury box during the trial of the stolen tarts. Because of her enormous size, she dislodges all of the jurors, who land on the heads of the crowd below. When she restores one juror, Bill the Lizard, to the jury box, she finds in her haste that she has placed him head down. Correcting her mistake, she tells herself, "I should think it would be *QUITE* as much use in the trial one way up as the other."

If you are an appellate practitioner, briefs can provide you uniquely valuable tools for legal research, whether you point them up or down on your side of legal problems that a relevant decision resolves. The characteristics of effective briefs reveal their applications to legal research. According to the CEB publication *California Civil Appellate Practice*, Third Edition, an opening brief has two functions that can, without too much distortion, be generalized to all appellate briefs as measures of their effectiveness. They must have "significant impact," warranting "maximum effort"; and they should be persuasive. Other related virtues include careful organization and conciseness.

To heighten the impact and persuasive power of briefs, their authors must try to exhaust every relevant legal authority; otherwise, they risk leaving some unknown share of the task to research attorneys who help appellate judges draft the opinions. As a result, briefs more or less represent detailed maps of a legal landscape on the particular points of law at issue in a case, at the time the case was decided. The briefs take you beyond an important opinion on your legal issues, opening up and organizing its surrounding legal context. Effective briefs give you the opportunity to see how particular aspects of the law looked to other attorneys at a given point in time. Moreover, the briefs show you what arguments did or did not resonate with the court. The legal arguments a court ignores might matter as much to you as the opinion itself.

Suppose, then, that you identify briefs in a case that arouse – and stand a reasonable chance of justifying – your curiosity. Alice, "burning with curiosity," followed the Rabbit down the rabbit-hole. Obtaining briefs may not altogether resemble Alice's adventures, but some parts of the experience may be just as unpredictable. Although "Alice had no idea what Latitude was, or Longitude," a guide to sources of briefs might steer you in the right direction.

[Part 2](#): An Attorney's Guide to Law Library Sources of State Court Briefs: Organized in Reverse Chronological Order for Periods of Coverage (attached as a PDF file).

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