Writing Concise Decisions

A Summary

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National Association of Hearing Officials Professional Development Conference
Chicago, IL
2022

Introduction

Short statement of what the case is about and your resolution

Sets the context for the reader

Procedural History

Describe the originating documents that started the case

Include a description of any relevant motions that set the stage for the outcome, especially rulings on issues or evidence

Findings of Fact

Include all facts that are necessary to reach the conclusions of law

Organize in an order that tells the story

Findings of Fact should be factual – avoid weak phrases, opinions

Include an accurate citation to the record

Discussion

Explain how you reached your conclusion

Position of each party

Explain applicable law

Discuss arguments and evidence that you accepted or rejected and why

Conclusions of Law

Include a conclusion of law for each legal issue

Must be consistent with the Findings of Fact

Include an accurate citation to a statute, regulation or case law

Order

The ultimate disposition of the case: the complaint, petition, appeal is granted, denied or dismissed

If you order further action be concise and specific

Problem-solving your Writing:

Writing Function	Core Job	Challenge	Solution
Madman	Gathers materials and generates ideas	No inspiration or writers block	Avoid evaluating and discarding ideas at this stage; don't let the Judge stifle the Madman's sloppy creativity.
Architect	Puts the Madman's ideas into a logical order	A logical step seems to be missing	Return to the Madman to review your ideas or rethink the conclusions from your research
		Outline doesn't seem to "flow" logically	Don't ask the Architect to generate ideas and also sequence them; return to the Madman and try a non-linear outline
Carpenter	Builds the draft following the Architect's plan	Difficult to sequence ideas or think of transitions	Return to the Architect for a more complete outline that includes a sequence of full propositions that only require elaboration
		You find yourself stopping to edit or don't make much progress with your writing	Banish the Judge
		Procrastination	You probably skipped the Madman and the Architect and just started writing
Judge	Polishes and perfects structure, language, grammar and spelling		

Further Reading on Writing[1]

Anything by Bryan A. Garner (lawprose.org) – in particular:

Legal Writing in Plain English (2d Ed. 2013)

HBR Guide to Better Business Writing (2013)

The Elements of Style by William Strunk, Jr. and E.B. White

Thinking Like a Writer by Stephen V. Armstrong and Timothy P. Terrell (1993)

Plain English for Lawyers by Richard Wydick (2d Ed. 1985)

Rewrite Right! Your Guide to Perfectly Polished Prose by Jan Venolia (2d Ed. 2000)

Also consider:

On Writing, A Memoir of the Craft by Stephen King (2000)(although Mr. King is a fiction writer, his discussion of the writing process is motivating. And he's a good writer….)

NAHO On-Demand Resources

2008-04 Writing the Decision: Nuts and Bolts (Laurence Geller and Peter Hemenway)

2021-05 Organizing and Writing Findings of Fact, Conclusions of Law and Orders (Appeals Officer (ret.) Teresa Rankin)

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[1] Many of these books have been revised and update