

A better first paragraph, please

Start strong. Our writing guru, Joseph Kimble, breaks down an opinion's first paragraph to show a better way.

Original

Pending before the Court is a letter motion by plaintiff Amy L. Colvin (“plaintiff”), dated April 9, 2015, in essence, objecting to an order of the Honorable Arlene R. Lindsay, United States Magistrate Judge, dated April 3, 2015, granting defendants’ motion to preclude (1) “Plaintiff’s Supplemental Discovery Demands,” dated March 9, 2015, and (2) plaintiff from calling Richardo Estrada as an expert at trial; and seeking, *inter alia*, a forty-five (45)-day extension of the discovery deadline. For the reasons stated herein, plaintiff’s objections are overruled and her request for an extension of the discovery deadline is denied.

Better

{Ideally, an opinion’s first paragraph or two will set out (1) the crucial facts, (2) the issue, stated explicitly or implicitly in terms of the pertinent legal rule or requirement, and (3) an answer that includes the reasoning. All briefly summarized, of course.}

The plaintiff, Amy L. Colvin, objects to the magistrate judge’s order that effectively denies her fourth request to extend discovery and precludes her from calling an expert witness at trial. Her objections are overruled, and her request denied, because her various delays in pursuing discovery and meeting deadlines are not “excusable” under Federal Rule of Civil Procedure 6(b)(1)(B). *{Note the rule and reasoning, which are missing from the original.}*

Redlined

{Because the paragraph has been largely rewritten, only selected points are redlined.}

Pending before the Court is a letter motion by plaintiff Amy L. Colvin (^{1.} ~~“plaintiff”~~), ^{2.} ~~dated April 9, 2015~~, in essence, objecting to an order of the ^{2.} ~~Honorable Arlene R. Lindsay, United States~~ Magistrate Judge, ^{2.} ~~dated April 3, 2015~~, granting defendants’ motion to preclude (1) “Plaintiff’s Supplemental Discovery Demands,” ^{2.} ~~dated March 9, 2015~~, and (2) plaintiff from calling ^{2.} ~~Richardo Estrada~~ as an expert at trial; and seeking, ^{3.} ~~*inter alia*~~, a ^{4.} ~~forty-five (45)~~-day extension of the discovery deadline. For the reasons stated ^{5.} ~~herein~~, plaintiff’s objections are overruled and her request ^{6.} ~~for an extension of~~ the discovery deadline is denied. ^{7.}

1. An unnecessary parenthetical if ever there was one. From this point on, choose *plaintiff* or *Colvin* and stick with it. Generally, prefer the party’s real name.
2. These details clutter the first paragraph. They can be included later, if needed. Briefs and opinions are too often infested with unnecessary dates, but here you might need more than usual because the case is about deadlines.
3. Legalese that should always be cut or changed to *among others* or *among other things*. This opinion uses the phrase 19 times, no less.
4. Doubling words and numerals — another distracting legal-writing tic. The opinion does it twenty-seven (27) times. Thus: one (1) extension of time, five (5) days, two (2) DVDs, etc.
5. Hardcore legalese. *Below* would work (if the phrase that it’s part of must be included).
6. Comma needed in a compound sentence (two independent clauses joined by a coordinating conjunction).
7. Watch out for zombie nouns — abstract nouns that displace verbs. They abound in legal writing.