Tips on efficiency
From the reformed sinner

1. **Take detailed transcript notes.** When reviewing transcripts, take detailed notes, use abbreviations, highlight rulings made against your client, use different fonts for different things like voir dire, jury selection, make lists or timelines as you go. Detailed transcript notes will save tons of time down the road.

2. **Write a brainstorming memo.** Include procedural facts, crime facts, potential issues, preservation or problematic preservation facts, and potential prejudice. Give your memo to 1-2 colleagues, friends, or family. Have a brainstorming talk/session with that person(s) over lunch, the phone, email, wherever, whenever. In the talk, tell what happened. What is your theory? What is the prejudice? Does it matter? Take notes. If you are unable to do a brainstorming talk, you should still do a brainstorming memo. Writing the memo will save you tons of time later. You will use your procedural and crime facts to write your statement of the case and statement of facts in your brief (with transcript and record citations added). You will use your list of potential issues to determine what arguments to brief.

3. **DROP non-issues.** You do not need to brief a non-issue. But if you realize you discarded a good issue, do not ignore it.

4. **Outline issues including relevant details.** After brainstorming, use your notes and write your list/outline of issues with relevant details. This has been the most helpful change for me. I use this to write my brief. My list/outline typically looks like this:

**ISSUE ONE - STATE FAILED TO PROVE POSSESSION**

* MTD/renewed MTD - Tpp. 41, 441
* Standard of review - de novo
* Insufficient constructive poss - not only one present; no paraphernalia; no cash; no scales; no other drugs; nothing connecting him to area; nothing connected him to container, etc;
* Get Andy’s brief on this issue
* Remember to ask Dan about that issue
5. **Efficiently research new/unfamiliar issues.** I used to do this very inefficiently. Now, I do these steps in this order:

1. Look at the relevant annotated statutes
2. Look up the crimes in UNC School of Gov't NC Crimes book
3. Talk to another attorney. You will learn more about the issue in that 5-minute conversation than you will in books or googling around in Lexis or Westlaw.
4. If that attorney does not know WTF you are talking about, you will most likely be pointed in the direction of someone who does know.
5. Check briefbank
6. Check SOG criminal law publications available online
7. If no one has ever written the issue and no one knows anything about the issue, limit your full throttle legal researching to 30 minutes per issue.

6. **Get a rough draft of your brief started as soon as possible.** Do it. Do it even if you have just served the proposed record. Do it even if your issues are boring as hell. Do it while everything is fresh in your mind. It saves a tremendous amount of time down the road. Use your memo and knock out statement of the case and possibly statement of facts. Go ahead and knock out standard of review sections. Cut and paste from briefs when reasonable. If you are writing an issue already briefed by you or another attorney, go ahead and write as much of that argument as possible. Ask that attorney to email you the actual word document, search the electronic filing site for it, or check the briefbank. Straight up copy and paste when reasonable.

7. **Copy and paste.** Copy and paste. Copy and paste. It is allowed. I am finally comfortable doing it. And it feels pretty awesome. But do not forget to run spelling and grammar checks and tailor the details.

8. **Now, brief writing will be easier and faster.** At best, you will be filling in healthy-sized blanks. At worst, you will be drafting substantial portions of argument from scratch. BUT the magical part is it will still take less time to complete the brief because you already have big sections of brief written. Voila.

9. **Do not cite a million cases when 1 or 2 will suffice.** No one cares about long string citations. No one is impressed. No one reads them. One and done. Move on.
10. **Do not spend tons of time searching for that case directly on point.** If you cannot find it easily, it does not exist. Make your argument. Cite relevant authority. Move on.

11. **Do not try to reinvent the wheel.** You will not succeed. No one is impressed. And no one can afford your unsuccessful attempts to reinvent.

12. **If you start feeling bogged down or sluggish, talk it out.** Talk it out with anyone. Talking it out will get engines running, clear cobwebs, help streamline, and get you refocused.