

BRIEF ANSWERS

Because it is the first time your reader will come into contact with your legal reasoning and/or argument, the brief answer is an important part of any piece of legal writing. In fact, in the case of a busy partner, it may be the only time the reader reviews your legal argument. This tip sheet includes tips on how to create a strong brief answer and includes a diagrammed sample of a solid brief answer.

Creating a Brief Answer

A solid brief answer should contain two things: (1) your answer to the question(s) presented; and (2) several sentences that provide legally significant facts in support of your answer. The example below illustrates how these parts work together to form a cohesive and complete brief answer.

Luckily, creating your brief answer is as easy as restating your overall headings and subheadings (which are really just your thesis statements, i.e., the first “T” in TREAT). Generally, you should not attempt to write your brief answer until you are done writing the body of your memo. The reason is obvious—you cannot restate your headings/subheadings if you have not written them.

Brief Answer Example¹

Answer the question in either the affirmative or negative.

The second sentence answers the question presented in a full *sentence* and identifies the legal issues raised. For example, to prove negligence, a plaintiff must show that (1) the defendant had a duty of care, (2) the defendant failed to exercise the duty, and (3) the defendant’s actions or inaction were the proximate cause of the injuries. This sentence should be your overall thesis – your “big T.” It should also closely resemble your overall section heading under the Argument/Discussion section of your paper (if one is used). This sentence is important because it sets up what your next three sentences are going to cover (in this case, the duty of care, the failure to exercise the duty, proximate cause, and injuries).

Yes. Ms. Smith will likely succeed in her claim for negligence because Mr. Jones had the duty to protect Ms. Smith, he failed to protect her, and his inaction proximately caused her injuries. Mr. Jones had a duty to protect Ms. Smith because he is a shop owner and therefore must provide safe shopping conditions. Mr. Jones breached his duty because he failed to repair the hole in the floor, thereby preventing customers from falling in. Finally, Mr. Jones’s inaction proximately caused the Ms. Smith’s injuries because she broke her leg when she fell in the hole.

The last three sentences address the legally significant issues identified in the second sentence. Notice that the issues are addressed in the order they were introduced to the reader in the second sentence. Remember, these sentences are just your subsection headings restated; they are your subsection thesis statements (i.e., the “T” in TREAT for those sections)

¹ This example illustrates the approach to a brief answer where there is only one question presented. If you have more than one question presented, then you should follow the same approach as described above for each question, labeling them as Roman numeral I and II. Remember that if you do not have a Roman numeral II, then you should not use a Roman numeral I because the Roman numeral I indicates that another section follows.