
§ 9.2

Notices

Making All Interested Parties Aware

A Notice helps to fulfill the requirement that all parties be informed of any communication with the court and be given a chance to respond or otherwise provide input.

Court procedures for setting hearing dates will vary. The clerk of the court can instruct you as to those details. Once the hearing date has been set, or once the motion has been filed, all parties involved in the litigation must be informed. This is done by a *Notice of Hearing*. The notice may be part of the motion itself, or it may be a separate document.

Often a paralegal will communicate with the judge's clerk and the opposing party to set a hearing date that works for all.

§ 9.3

Briefs

Arguing the Client's Point of View

Sometimes called a memorandum of law, a brief is a written legal argument. It is similar to an interoffice memo but, instead of objectively analyzing authority, the author attempts to convince the reader. The author will still use the analytical method, but when trying to convince the court, the analysis is often referred to as the argument.

The *trial brief* is a pretrial or trial-stage motion that attempts to convince the court to rule on a procedural issue in the author's favor.

The *appellate brief* attempts to convince an appellate-level court that the trial court erred.

Briefs are in pleading form. They may be stand-alone documents, or they may be combined with the related notice and motion. Some attorneys will include the argument (in place of the trial brief) as part of the motion, and title that section *Points and Authorities*. Whichever format is chosen, a *Brief* and the *Points and Authorities* are basically the same thing. Except for indented quotations, the trial brief is double-spaced.