

Got Issues?

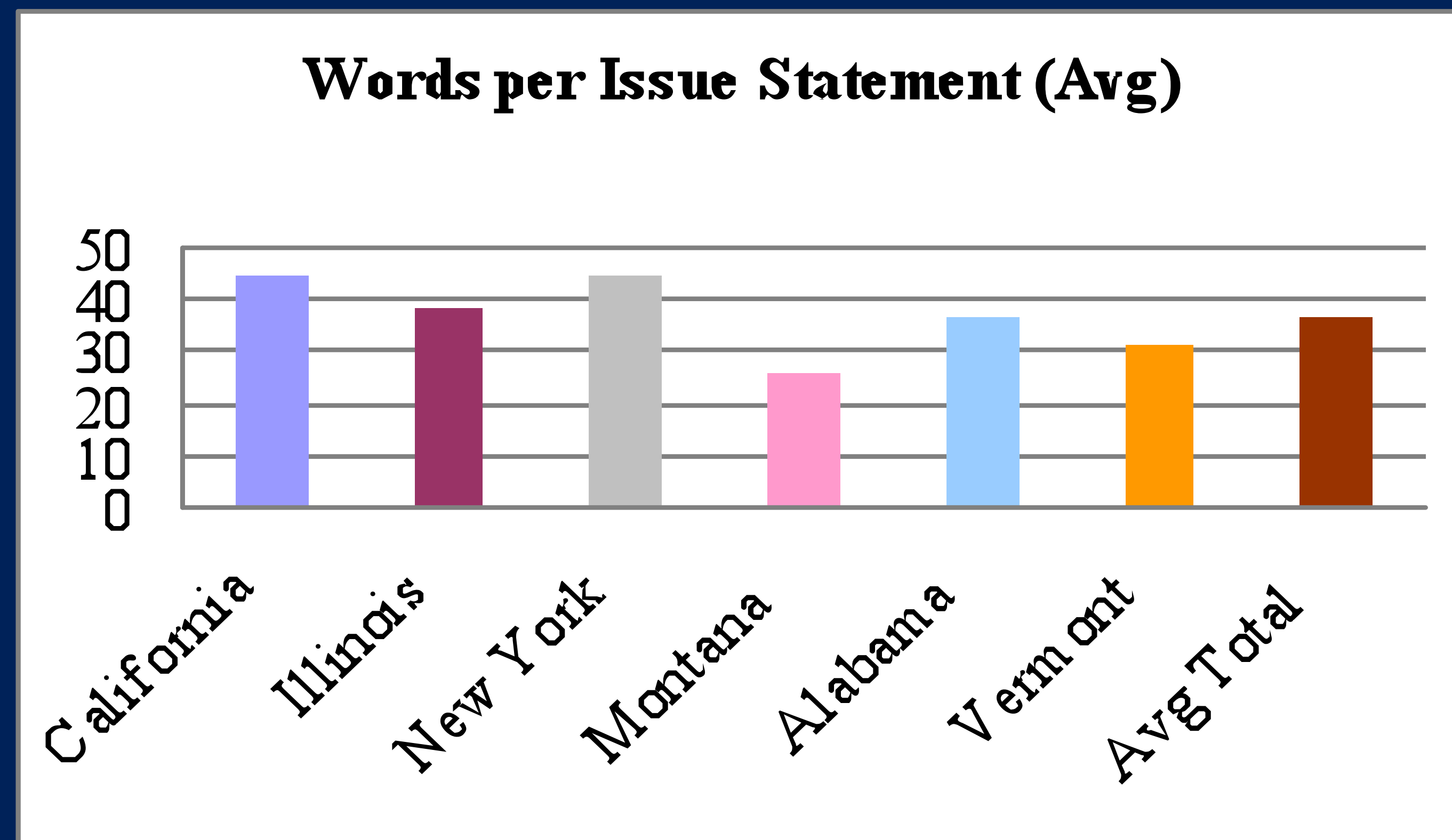
An Empirical Study about Framing Them

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The study analyzed 626 issue statements (sometimes called "questions presented") in recent briefs from the highest courts of six states.

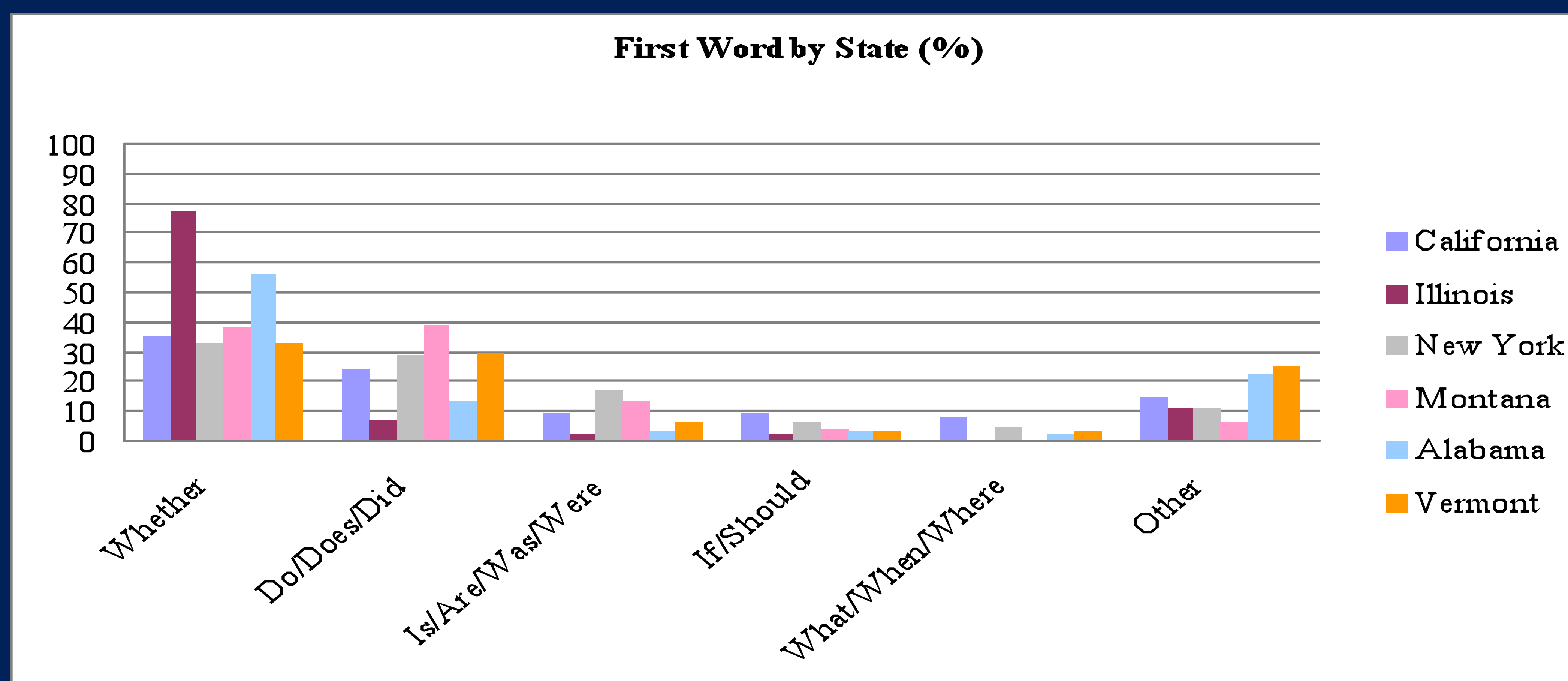
How long were the issues?

The longest discrete issue in the study sample was 313 words, but the average length was 37 words.



How did most lawyers begin their issues?

"Whether" was the most common initial word, but verbs like "do" and "is" were also common.



Suggestions

To write an effective issue statement,

1. Be succinct.
2. Write each discrete issue as a single sentence. Of the individual issues, 95% consisted of one sentence (in either the declarative, interrogatory, or "whether" format).
3. Include only a few issues. The average number of issues per brief was 2.5.
4. Unless the question is purely one of law, include some legally relevant facts—55% of the issues in the sample included them.
5. Write an issue that can be answered "yes" or "no." Consider framing the question so a "yes" answer favors the client; 68% of the issues did that.

► For a full report of the study, see *Got Issues? An Empirical Study about Framing Them*, 6 J. A.L.W.D. 1 (2009).