

TRIAL ADVOCACY

MOTION PRACTICE

I. ANATOMY OF A MOTION

A MOTION MUST MEET 3 BASIC REQUIREMENTS C IT MUST:

- a. be in writing
- b. "state with particularity the grounds therefore" [SEE ARK.R.CIV.P. 7(b)(1)], and
- c. state the relief or order requested

HOW A MOTION IS STRUCTURED IS CONTROLLED PRIMARILY BY TACTICAL CONSIDERATIONS.

II. A FULLY STRUCTURED MOTION:

1. a caption (ARK.R.CIV.P. 10(a) plus the name "MOTION" to
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2. a preamble or introductory clause ("COMES NOW.....)
3. a statement of the particular grounds (SUMMARY JUDGEMENT
vs. MOTION TO RESET A
HEARING)
4. a signature by the attorney for the moving party [SEE
ARK.R.CIV.P. 11]
5. a WHEREFORE clause (WHEREFORE, DEFENDANT - ASK OR
REQUEST)
6. a CERTIFICATE OF SERVICE [SEE ARK.R.CIV.P. 5(e)]
7. a BRIEF IN SUPPORT of the motion; the brief consists of:
 - statement of facts
 - question or premise
 - answer, argument and supporting authority
 - wherefore clause
 - attorney's signature
 - certificate of service
 - affidavit (if required)
 - Proposed order (optional)