

## Instructions For Brief In Support Of Motion Form

ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Forms aren't official forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed Brief in Support of Motion form.

The "Motion" Section of the [Guide to a Civil Action, or Civil Case](#) on the [ND Legal Self Help Center webpage](#) has additional information and resources.

Use the [Making a Motion in a Civil Action, or Civil Case Checklist](#) to help you make your Motion.

**A Brief in Support of Motion is one of a set of required documents that make up a written Motion:**

- Notice of Motion;
- Motion;
- **Brief in Support of Motion;**
- Affidavit in Support of Motion; and
- Other supporting documents.

A Brief in Support of Motion is a written explanation of why you, the moving party, should have your Motion granted.

A Brief takes the rules and laws that you listed in your Motion and support your request and explains how they apply to the facts of your particular situation.

Facts referred to in the Brief must also appear in your Affidavit in Support of Motion or Declaration in Support of Motion.

**Research North Dakota court laws and rules.** A Motion must include the legal authority that supports the Motion request. Any Motions to the court must refer to the laws, North Dakota Supreme Court case law, and court rules, or a combination of all three, upon which the Motion is filed. The Brief in Support of Motion is your explanation of how and why the law, case law, or court rule supports the request.

(The North Dakota Century Code, and North Dakota Supreme Court case law, and North Dakota court rules are also found in print in many North Dakota public and academic libraries.)

- [The North Dakota Century Code](#) contains the laws enacted by the North Dakota Legislative Process.
- [North Dakota Supreme Court case law](#): when the decision of a case is appealed from a North Dakota state district court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the case the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.
- [North Dakota court rules](#) govern how a dispute makes its way to court and how the dispute is conducted.

**This form isn't a fillable form.** To create your legal document using this form, you have at least two options:

**Option One:** Print this form on 8 ½" x 11" paper and hand-write your Brief in Support of Motion. Your hand-writing must be easily readable. Black ink is preferred.

**Option Two:** Copy and paste the Brief in Support of Motion sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format your Brief.

**Caption (Top of Form):**

- If you copied and pasted the caption section into a word processing program, format your caption as close as you can to the caption section of the form.
- Fill in the caption exactly as it appears in the Plaintiff's Complaint.
- Fill in the case number. You **can't** make a motion without a case number.
- Fill in the title of the type of Motion you're making to the court.

**Paragraph Numbering:**

- Each paragraph of your written or typed Brief in Support of Motion must be numbered.

**Statement of Facts:**

- List the facts that caused you to decide to file a Motion in your civil case. List only the facts that are relevant to the Motion.

- These facts must also be included in your Affidavit in Support of Motion or Declaration in Support of Motion. You create a separate legal document as your Affidavit in Support of Motion or Declaration in Support of Motion.

**Law and Argument:**

- From your legal research, explain how each law, case law, or court rule you identified supports your Motion.
- Apply each law, case law, or court rule you identified to the facts you listed in the Statement of Facts.
- If you identified laws, case laws, or court rules that don't support your Motion, explain why the court rule, law or case law don't apply to your Motion.

**Conclusion:**

- Summarize what you're asking the court to do and why the court should grant your Motion. This is generally a short paragraph.

**Date and Signature:**

- The date and signature are at the end of your Brief in Support of Motion.
- If you copied and pasted the Signature section into a word processing program, format your signature section as close as you can to the Signature section of the form.
- You, the moving party, must date and sign the Brief in Support of Motion.

**Warning:** By signing your name you're telling the Court that you're telling the truth and that you have a good faith reason for your requests. If you aren't telling the truth, if you're misleading the Court, or if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

- Fill in your printed name, address, telephone number, and email address.

If you have a physical address **and** a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.

### **Page Numbering:**

Each page of a document prepared for a civil case must be numbered.

- Number each page of the completed Brief in Support of Motion.
- The last page of the Brief in Support of Motion is the date and signature page.

### **Service:**

In general, copies of documents filed, or intended to be filed, with the court must be provided to the other parties in the civil case. This is called service.

There are specific requirements for serving documents after a civil case has started. [Rule 5](#) of the North Dakota Rules of Civil Procedure gives the requirements for service after a civil case has started.

Proof of service is an important step in the legal process. The court **won't act** on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil case, go to the [Service](#) link on the ND Legal Self Help Center webpage.

*\*\*\*Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.\*\*\**

State Of North Dakota

In District Court

County Of \_\_\_\_\_

\_\_\_\_\_ Judicial District

\_\_\_\_\_  
Plaintiff, )

Vs )

\_\_\_\_\_  
Defendant. )

Case No. \_\_\_\_\_

**Brief In Support Of Motion**

\_\_\_\_\_

**Statement of Facts**

*[List the facts that caused you to decide to file a Motion in the civil action, or civil case. List only the facts that are relevant to the Motion.]*

**1.**

### **Law and Argument**

*[Explain how each law, case law, or court rule you identified supports your Motion. Apply each law, case law, or court rule you identified to the facts you listed in the Statement of Facts. If you identified laws, case laws, or court rules that don't support your Motion, explain why the court rule, law or case law doesn't apply to your Motion.]*

**Conclusion**

*[Summarize what you're asking the court to do and why the court should grant your Motion. This is generally a short paragraph.]*

Dated \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address