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## Give Outlines Another Chance

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## GIVE OUTLINES ANOTHER CHANCE

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**Myth #1:** Outlines are only for law students or novice writers. **Myth #2:** Busy attorneys don't have the need or the time for an outline. If you find yourself agreeing with these statements, read on.

Regardless of how seasoned a legal writer you are, creating an outline for your document can improve your writing *and* save you time. I first learned to appreciate outlines in law school, and I continued to rely on them during my years in practice. Yes, I even wrote an

outline for this column.

### The Benefits of Outlining

Much has been written on the benefits of outlining for legal writing specifically<sup>1</sup> and for other professional writing more generally.<sup>2</sup> Below are some of the more common benefits of outlining a legal document.

- **Focus, Structure, and Flow.** An outline helps focus your attention on the task and topic(s) at hand. It also brings an early structure to your ideas. Moreover, once you have a sense of the ideas you want to convey, an outline helps organize the

flow of those points (and sub-points) in your document, from the start, through the middle, to the end.

- **Balance.** An outline makes it easier to determine if the right emphasis is placed on each topic or argument to be addressed.
- **Completeness.** An outline helps ensure that you don't leave anything out of the document. You can review the outline for gaps in your arguments, research, or understanding of the relevant facts. The earlier you identify these gaps, the more likely you can work to effectively fill them well in advance of any deadline.
- **Big Picture.** An outline reminds you of the big picture of the document even as you take each idea or section in turn. And if you are doling out parts of the document for others to write, each author can use the outline to see how that part fits into the greater whole.

Taken together, these outlining benefits usually serve to improve your focus as well as the content and flow of your document. Outlines reduce the chance of writer's block, as you aren't left staring at a blank page. Likewise, outlines improve your writing speed and efficiency, because you will be more focused as you write and will need less time later to edit out ideas that drift from the main topic(s).

### The Process of Outlining

The process of outlining should be one that works for you, the writer. The process does not have to be formal or rigid. Using a more fluid process may be helpful for

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some writers,<sup>3</sup> while others might find the standard outline form (roman numerals and capital A's and B's) helpful. The outline you create may also turn on the needs of the particular document.<sup>4</sup>

With the document's purpose and audience in mind, create a writer-friendly outline with the following steps in mind.

**First**, brainstorm by listing the ideas that you want to include in your document.

**Second**, organize your ideas by grouping related ones together.

**Third**, order your ideas by organizing them into a logical sequence. For example, if the final document will be filed with a court, "[o]ne obvious way of beginning to organize is to determine how the court will approach the problem."<sup>5</sup> Once your organization is set, insert notes regarding the research and facts that are relevant to each point.

Once you have created, reviewed, and finalized your outline, you will be more focused and prepared to begin drafting the document.

### The After-the-Fact Outline

Outlines can also be helpful in the revising stage of the writing process. Specifically, an after-the-fact outline can assist you in testing and refining the organization of your draft document once it is written.<sup>6</sup> To create this type of outline, read each paragraph in the document and try to sum up or label the subject matter of the paragraph in a phrase or clause (at most, in a sentence). If you find that you cannot easily sum up the topic or point of the paragraph, this should signal to you that further revision is needed. Once you are able to identify the summarizing clause, phrase, or sentence, record that label on the outline. Then read the outline with the following questions in mind: Is the way you traveled through the ideas the most logical (and persuasive, where applicable)? Is there unnecessary backtracking or repetition that should be omitted? Did you forget to include an idea (if yes, where can it be added)? Overall, is this the way you want the reader to move through the material?<sup>7</sup>

An after-the-fact outline can also help improve the document's paragraph cohesion and use of strong topic sentences. Outline the draft document by reading only the topic sentences. Doing so simulates the impression a reader will have when he skims the main points of the document.<sup>8</sup> Ask yourself if each topic sentence correctly conveys the gist of the paragraph and if the paragraph focuses only on the topic conveyed. If the answer is no, further revision is needed.

Finally, compare any post-draft outlines to your initial pre-writing outline. If there are differences, decide whether the initial outline was better or whether the way the draft is written is more effective.<sup>9</sup>

### Conclusion

The next time you draft a legal document, give outlining a try. You may well find that the document took you less time to create, yet the end product is more complete and flows more smoothly. Ⓜ

### ENDNOTES

1. *E.g.*, Anne Enquist & Laurel Currie

Oates, *Just Writing* § 1.2 (3d ed. 2009); Richard K. Neumann, Jr., *Legal Reasoning and Legal Writing* § 6.3 (6th ed. 2009); Diane R. Donahoe, *TeachingLaw.com Legal Research and Writing, Writing – Organizing Before You Write* (3d ed. 2011).

2. *E.g.*, 4 *Benefits of Outlines*, StratosphereWriting, <http://stratospherewriting.wordpress.com/2009/03/12/4-benefits-of-outlines> (last visited April 3, 2012); *Benefits of Outlining*, BenefitOf.net, <http://benefitof.net/benefits-of-outlining/> (last visited March 28, 2012).

3. Neumann, *supra* note 1.

4. Donahoe, *supra* note 1.

5. Enquist & Oates, *supra* note 1, § 1.2.2.

6. *Id.* § 1.4.2.

7. *Id.*

8. Donahoe, *supra* note 1 (discussing benefits of reader-based outlines).

9. Laurel Currie Oates & Anne Enquist, *Just Memos* § 13.1.2 (2d ed. 2007).

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