



University of Kentucky
UKnowledge

Law Faculty Popular Media

Law Faculty Publications

5-2015

Effective Writing is Organized Writing

Melissa N. Henke

University of Kentucky College of Law, melissa.henke@uky.edu

Follow this and additional works at: https://uknowledge.uky.edu/law_facpub_pop



Part of the [Legal Writing and Research Commons](#)

[Right click to open a feedback form in a new tab to let us know how this document benefits you.](#)

Repository Citation

Henke, Melissa N., "Effective Writing is Organized Writing" (2015). *Law Faculty Popular Media*. 44.
https://uknowledge.uky.edu/law_facpub_pop/44

This Commentary is brought to you for free and open access by the Law Faculty Publications at UKnowledge. It has been accepted for inclusion in Law Faculty Popular Media by an authorized administrator of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

Effective Writing is Organized Writing

Notes/Citation Information

Melissa N. Henke, *Effective Writing is Organized Writing*, 79 *Bench & B.* 24 (May 2015).

EFFECTIVE WRITING IS ORGANIZED WRITING

By: Melissa N. Henke

University of Kentucky College of Law



Effective legal writers organize their analysis with the reader in mind. This article focuses on two common techniques used in creating organized writing – strong topic sentences and appropriate transi-

tions. Let's put these techniques in context. Paragraphs are the "building blocks" of legal analysis.¹ Topic sentences and transitions are necessary to put those building blocks together in way that is easy for the reader to follow and understand. Indeed, as Judge Rogers of the United States Court of Appeals for the Sixth Circuit stated in a 2006 *Bench & Bar* article, good transitions and topic sentences help ensure that the reader is "never [] in doubt about how your arguments relate to each other."²

STRONG TOPIC OR THESIS SENTENCES

Whether you call them topic sentences or thesis sentences, it is important to lead off each paragraph with a sentence that tells the reader what to expect in that paragraph. For legal writing, especially persuasive writing, a topic sentence should introduce the topic of the sentence and also assert something about the topic.³ That is why some legal writing texts refer to such sentences as thesis sentences, because the goal is to "assert a position on the topic of the paragraph" more so than just state what the topic is.⁴ Simply put, the first sentence of a paragraph should convey the conclusion you want the reader to come away with after reading the paragraph.⁵

To illustrate, compare the following two examples to discern the difference between a sentence that states a topic and one that states an assertion about a topic. A topic sentence that does little more than identify a topic (here, a case), would read something like this: "Another case that discussed actual malice is *Rosenbloom v. Metromedia, Inc.*, 403 U.S. 29 (1971)."⁶ Compare that with the following topic sentence that goes further to provide an assertion about the topic (or a thesis): "The court extended these protections in *Rosenbloom*, holding that plaintiffs in a defamation action would have to prove actual malice if the published statements were of public or general interest. *Rosenbloom v. Metromedia*, 403 U.S. 29 (1971)."⁷ The second topic sentence is superior to the first because it introduces the point the paragraph will prove in regard to the case, rather than just introducing the case.

Using strong topic sentences is helpful to the reader in understanding what to expect from each paragraph, as well as from the paper overall. That is because when a reader skims just the topic sentences in a document, she should be able to get a general understanding of the argument's organizational structure and its main points.⁸ Thus, topic sentences are a benefit to the reader because they guide her through the organization and substance of the entire argument.

Topic sentences likewise benefit *the writer* in drafting the substance of the argument in each paragraph. Let me explain. A writer should limit the content of a paragraph to information about the thesis or position asserted in the topic sentence. This is often called paragraph cohesion⁹ or unity. A writer can read a topic sentence in a draft and then check that the focus of the information written in the paragraph to follow serves to "prove" the asserted thesis or position conveyed in the topic sentence, and can further check that the information only focuses on that specific thesis or assertion.¹⁰ If it does not, then the writer can revise as needed to fill gaps in support or reasoning or to create paragraph cohesion.¹¹

APPROPRIATE TRANSITIONS

A related technique that effective writers also employ is use of appropriate transitions. As Bryan Garner explains, the use of a transition word or phrase in a topic sentence "clearly tells the audience whether the paragraph expands on the paragraph before, contrasts with it, or takes a completely different direction."¹² In other words, transitions serve as a bridge from one idea to the next so the reader understands how the parts of the argument (or building blocks of legal analysis) connect and relate to each other.¹³

Different transitions signal different relationships, so it is important to use an appropriate one to signal the correct relationship between what the reader has read and what she is about to read. For example, some words and phrases signal a transition for contrast (however), for comparison (likewise), for concession (granted), and for conclusion (therefore).¹⁴ Other transitions introduce new or supplemental material (moreover), point out differences or inconsistencies (in contrast), or explain time relationships (next).¹⁵ Still other examples of transitions can be found in most of the paragraphs in this very column (can you find them?). Lists of commonly used transitions are readily available online¹⁶ and in legal writing texts or style guides.¹⁷ Once you have a good sense of the order and content of your argument, then is a good time to pull out such a list. You'll want to decide which transitions are needed in your analysis and where they should be added.

Some words or phrases work better than others, so give thought to which is most appropriate in light of the connection (or bridge) you wish to signal. That connection may be between paragraphs or even between sentences in a paragraph.¹⁸

CONCLUSION

In sum, effective organization is an important characteristic of effective legal writing. Strong topic sentences and appropriate transitions are two common, related techniques you can use to create organized writing in your next legal document. They not only serve to guide the reader through the legal argument in its final version, but they also assist you, the writer, in confirming at the draft stage that the analysis is logically organized and adequately supported.

Professor Melissa Henke is the director of the Legal Research and Writing program at the University of Kentucky College of Law, and she also teaches legal writing. She is a member of the Kentucky Bar Association. After graduating from the George Washington University Law School, she clerked for Judge Gary Fees of the United States District Court for the Central District of Kentucky and practiced law at Hogan & Hartson (now Hogan Lovells) in Washington, D.C. She joined the UK College of Law faculty in 2011.

¹ Richard K. Neumann, Jr., et al., *Legal Writing* §21.1 (3d ed. 2015).

² Judge John Rogers, Federal Appellate Practice: A View From the Bench, *Bench & Bar* (May 2006) at 2.

³ Anne Enquist & Laurel Currie Oates, *Just Writing* § 3.5.1 (3d ed. 2009).

⁴ Linda H. Edwards, *Legal Writing: Process, Analysis, and Organization*, at 90-91 (5th ed. 2010); Christine Coughlin, et al., *A Lawyer Writes: A Practical Guide to Legal Analysis*, at 328 (2d ed. 2013).

⁵ Coughlin, *supra* note 4 at 329.

⁶ Enquist & Oates, *supra* note 3.

⁷ *Id.*

⁸ Coughlin, *supra* note 4 at 257.

⁹ *Id.* at 258-59.

¹⁰ *Id.*; see also Edwards, *supra* note 4 at 90-91.

¹¹ Enquist & Oates, *supra* note 3.

¹² Bryan A. Garner, *Legal Writing in Plain English*, at 67-71 (Univ. of Chicago Press 2001).

¹³ Coughlin, *supra* note 4 at 259; Neumann, *supra* note 1, § 21.3.

¹⁴ Enquist & Oates, *supra* note 3, § 4.1.1.

¹⁵ Neumann, *supra* note 1, § 22.3.

¹⁶ E.g., *Writing Transitions*, Purdue Owl, owl.english.purdue.edu/owl/owlprint/574; *The Writer's Handbook: Using Transitions*, The Writing Center at The University of Wisconsin-Madison, writing.wisc.edu/Handbook/Transitions.html.

¹⁷ E.g., Enquist & Oates, *supra* note 14; Neumann, *supra* note 15; Garner, *supra* note 12.

¹⁸ Megan McAlpin, *Beyond the First Draft: Editing Strategies for Powerful Legal Writing*, at 20 (2014).