



TIPS FOR EFFECTIVE ORGANIZATION¹

© 2019 The Writing Center at GULC. All rights reserved.

This handout addresses how to improve the body of your legal memorandum or brief by focusing on the large-scale organization of the document as a whole and the small-scale organization between and within paragraphs.

I. Large Scale Organization

Large-scale organization refers to the organization of the document as a whole. Large-scale organization is often dictated by the issues and legal rule. It is up to the writer to decide how to break down the issues and present them in a coherent way.

A. Order topics to improve readability and persuasiveness

Choose an organizational pattern that best allows you to convey your message to your particular audience. For example, in an objective memorandum, writers often order the points to closely mirror the law. Conversely, in a brief, you may instead order the arguments with an eye towards persuasiveness.

As a general rule, you do not have to discuss topics in the order that courts discuss them. Even if the topic is part of a numbered statute, you do not necessarily need to discuss the first part of the statute first and the last part last. The exception to this being, if one of your issues is a threshold issue (a pre-requisite to the others), you will need to analyze that issue first. For example, if factors X, Y, and Z do not matter unless W is present, then you will need to analyze W first. Threshold issues aside, you have a number of additional options for how you might order a document. Common techniques include:

- Strongest arguments first: leading with your strongest argument allows the document to make a strong first impression.
- Moving from simple to complex issues: when a legal problem involves issues of varying complexity, it can be effective to analyze the simple issues upfront to quickly dispose of them before focusing the reader on the more in-depth analysis of complex issues in the remainder of the document.

¹ The original handout was written in 2014 by Lisa Qi, adapted from “Crafting Mid-Level Organization” <http://www.law.georgetown.edu/wp-content/uploads/2018/07/CraftingMidLevelOrganization.pdf> by Maureen Aidasani and Sarah Barr Kahl. The handout was revised in 2019 by Elise Ghattas.

- Alternatively, you could place your most contentious issue first: focusing on the most contentious issue first allows you to immediately direct the reader’s attention to what is often your longest or most complex analysis.

B. Use roadmaps to guide the reader through the document

Reference the law at the beginning of your document with a roadmap. Typically, a roadmap comes before your document breaks down into major sections, thus previewing the sections to come. This helps the reader understand the document’s organization and the layout of the law. For example, a roadmap for this handout might be: “Effective organization requires attention to both (I) large-scale organization and (II) small-scale organization.”

Similarly, just as the roadmap provides the law at the beginning of the document, a mini-roadmap provides a more specific guide to a subsection of the document. For example, if a statute has sub-elements, you may not list all of them in the initial roadmap, but rather wait until a mini-roadmap at the beginning of the appropriate section. A mini-roadmap for the “large-scale organization” section of this handout might be: “Effective large-scale organization requires (A) ordering topics effectively, (B) using roadmaps to guide the reader, (C) using headings to describe how each section fits within the document, and (D) double checking your organization, such as through the use of a reader-based outline.”

C. Use headings to describe how each section fits within the document

Headings can help the reader see how sections fit into the document’s overall message. In persuasive documents, rather than merely describing the section to be discussed (for example, naming the relevant legal factor), you can use persuasive headings that state your argument.²

Although there is no absolute rule about how you should format your headings, a common method is to begin major headings—typically referencing each legal issue—with capital roman numerals (e.g., I, II, III), minor headings with capital letters (e.g., A, B, C), and subheadings with numbers (e.g., 1, 2, 3).³ The titles of the major components of your document (e.g., Questions Presented, Brief Answer, Argument) should be centered on the page as shown in Professor Tiscione’s example to the right.⁴

<p>Suggested format:</p> <p>Argument</p> <p>[roadmap here that previews the two discrete issues on appeal]</p> <p>I. First Major Heading</p> <p>[mini-roadmap here that previews the controlling rules of law and the two sub-issues]</p> <p>A. First minor heading</p> <p>B. Second minor heading</p> <p>II. Second Major Heading</p> <p>[mini-roadmap here that previews the controlling rules of law and the three sub-issues]</p> <p>A. First minor heading</p> <p>B. Second minor heading</p> <p>[may need a mini-mini-roadmap here]</p> <p>1. First subheading</p> <p>2. Second subheading</p> <p>C. Third minor heading</p>

² For guidance on writing effective point headings, see Writing Center Handout, *Writing Effective Point Headings*, <https://www.law.georgetown.edu/wp-content/uploads/2018/11/Updated-Handout.Pointheadings.pdf>.

³ KRISTEN KONRAD TISCIONE, *RHETORIC FOR LEGAL WRITERS: THE THEORY AND PRACTICE OF ANALYSIS AND PERSUASION* 213 (2d ed. 2016).

⁴ *Id.*

Finally, you should ensure that your headings mirror the order of the issues as you present them in your roadmaps and in other major components of the document. For example, in a two-issue memo, you should state the questions in the Questions Presented and address them in your Brief Answer in the same order that you analyze them in your Argument section. Note, however, that your Statement of Facts does not need to introduce facts in the exact order in which you will later apply them.⁵

D. Double-check your large-scale organization

One way to check your large-scale organization is to create a “reader-based outline,”⁶ capturing how a skimming reader would understand your document. To create a reader-based outline, write down or summarize the first sentence of each paragraph in your analysis section. Then, read through these sentences in order; do they mirror your roadmap and give a reader a good idea of how the law fits together? If so, your large-scale organization is probably well done! If not, consider how you can reframe so that a reader can better understand your organization.

II. Small Scale Organization

Small-scale organization refers to the organization between and within paragraphs and sentences. Effective small-scale organization clearly communicates the logical links between those paragraphs and sentences.

A. Use effective topic sentences

Topic sentences should convey the main points of the paragraphs. You can use a topic sentence at the beginning of the paragraph to state the conclusion that the paragraph supports (typically known as a “thesis sentence”), or you can use it to create a question in the reader’s mind and then explain the answer in the body of the paragraph.

A good rule of thumb in evaluating cohesion between paragraphs is that a reader should be able to tell from the topic sentences how each paragraph fits into the overall discussion.

B. Use mini-conclusions

At the end of your discussion of each legal element or issue, provide a conclusion of that element or issue in the form of a mini-conclusion. This mini-conclusion should use the relevant

⁵ This suggestion holds true for briefs as well, wherein the comparable components would be a Statement of the Issues Presented for Review, a Summary of the Argument, and a Statement of the Case. The big idea is that—no matter whether you are writing a memo or a brief—you should try to mirror the order of any major issues throughout each major section.

⁶ See Diana R. Donahoe, *Constructing Legal Analysis: Large Scale Organization*, TEACHINGLAW.COM, <https://teachinglaw.com/writingRewriting/Rewriting/Large-scale%2Borganization> (last visited Jan. 31, 2019).

terms of art from the roadmap and the topic sentence and should provide the most important reasons for your conclusion.

C. Communicate the links between sentences and paragraphs

Use transitions between sentences or paragraphs in order to clearly signal a shift to a different idea. Be aware that overuse of one transition within a paragraph may signal organization problems—for example, if you use *however* repeatedly, check to see if you are combining points that could be better presented in separate paragraphs. Consider the following terms to signal transition:

- To signal similarity, consider the terms: *similarly, analogously, as, accordingly...*
- To signal contrast, consider the terms: *but, in contrast, conversely, however, yet, nonetheless...*
- To signal causation, consider the terms: *consequently, therefore, thus, accordingly, for this reason...*
- To signal addition, consider the terms: *moreover, additionally, furthermore...*
- To introduce examples, consider using: *for example, specifically, namely, such as, including, including but not limited to...*
- When you are summarizing, consider: *finally, in conclusion, in summary...*

D. A note on the legal paradigm—avoiding “upside-down” paragraphs

Your analysis of each issue should begin with a description of the law, followed by an analysis which draws in the relevant facts. Though legal paradigms can vary, one common approach is as follows: (1) a topic or thesis sentence, followed by (2) the requirement or rule of law, (3) if helpful or necessary, an explanation of the rule including how it has been previously applied in a similar context, (4) an application of the legal rule to your client’s facts, (5) a counterargument, if appropriate, and (6) a conclusion.⁷

Though your analysis could span one paragraph or many, depending on the complexity of the issue, it is important to always begin with an explanation of the law. That is, avoid writing an “upside down paragraph” in which you explain your client’s facts before stating and explaining the applicable legal rule. By always beginning an explanation of the law, you illustrate how your analysis is well grounded in the law and prime a legal reader to better follow along with you as you apply your facts.

⁷ See TISCIONE, *supra* note 2, at 210.