

Point-First Writing Powerpoint

Slide 1:

- Here is a short presentation on point-first writing to help you with your first memo assignment. You are going to be practicing point-first writing a lot this year, but this will give you a few key ideas to get you started on this first memo.

Slide 2:

- Point-first writing is one of the most useful legal writing techniques.
- Readers understand and retain information best when they're given context before details. It's kind of like doing a jigsaw puzzle. If you have the picture on the box in front of you, the pieces all fit together that much better.

There are a few ways you can implement point-first writing and we are going to talk about those today.

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- Here are three ways to work on point-first writing.
- First up is something called a road map, or an overview, or a thesis section. Something that gives an opening to either the document or a section in your document. It gives a clear roadmap to your reader that easily on just one read.
- The key is to give the reader an immediate sense of what the document is about, where you going with your ideas because in legal writing, you are not a mystery writer. You tell the reader up-front what is going to happen. Give your reader a conclusion, a destination. If you start with a good road-map and your reader will travel happily along with you.
- Now, readers can also understand very complicated material if they have your help understanding the ultimate goal.

- And you do this for the whole document and for each of the sections of the document
- Another way to do this by using great **headings**.
- The third way is by very solid paragraph structure, mostly about the topic sentence of each paragraph;
you need to give a little context, connect your line of reasoning, and then make sure that every sentence is connected to that main idea.
- These are linking techniques that draw the reader along and makes sure the reader sees exactly what you mean.

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- We often load up the front of a document, a section, or even a paragraph with introductory material that doesn't really tell the reader very much, and is sometimes pretty boring.
- We need to work out these "state the obvious" sentences in our own minds and we often put them in a first draft just to mark a spot. That's to keep us focused as the writer.
- But the reader doesn't need to see your plan of action or how you put the document together. Just get to the ideas.
- Here are two examples of strong openings. They tell the reader about the overall structure that your discussion is going to follow. The reader is not going to be looking for each of the elements you talk about.
- And you tell the reader a conclusion up front, a destination. What do you want the reader to know from this document? Then back it up with your explanations, the evidence, the analysis, whatever.
- You can use the word "because" in an opening. It tells the reader a destination and then how, at least a summary of how you get there.
- You obviously write this last. You do the main work, sketch a few points out, do the main analysis, then come back and put in a strong opening.

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- Almost all legal writing documents need good headings.
- Some headings will be structural headings. They are the kinds you will see in a memo or a factum. They tell the reader what part of the document they are about to read.
- A great device for point-first writing is descriptive headings. Descriptive headings engage the reader, they bring the reader into the ideas, they tell the reader a destination or conclusion,
- Descriptive headings tell the readers something important about what they will see in the document.

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- And what do I mean by something important?
- Have a look at these two headings. The first one doesn't tell the reader anything much at all. You write this in your first draft because you are marking a spot and you want to talk about the analysis you know about is in Issue 1. But the reader cannot read your mind and is going to be looking for clues
- The reader wants to see the idea, the point, the conclusion, something useful in the heading.
- Reader skim documents. Busy readers don't sit back and dive in depth into a document. They skim first for meaning and content, then go back later for reflection.
- Help them out by giving them good, solid, descriptive headings.

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- Have a look at these four headings. The text at the top tells the topic for this section. Which of these four headings works best to engage the reader, to tell the reader something important about this section.
- The first one doesn't really work. Lots of writers will put the name of the case as the heading because they are going to be talking about that case,

but the reader doesn't know what this case means yet. You know but the reader can't read your mind.

- The second is a general, generic, academic heading and doesn't tell the reader much at all. It could be about any issue of court treatment of experts' reports.
- The third is a question. You can use questions as headings, but they often lead the reader to think that "maybe yes, maybe no"; that you are not really certain of an answer.
- Number 4 is usually the best. It tells the reader the destination. It's the point, it's the whole conclusion now that is going to be analysed in the section coming up.

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- Once you have great headings, you need to work on paragraph structure.
- Each paragraph should start with a sentence that tells the reader something useful
- We all know this idea of building a paragraph properly but we still forget to do it because we tend to pack in several ideas and we assume the reader will figure out what we mean and is prepared to dig through our paragraph to find out the meaning. We can't our readers work too hard.
- So, set up in the first sentence of the paragraph the main point or the thesis
- Then, link each sentence to that main point, develop the idea, push the analysis forward
- And, although we are not going to talk about it too much today, don't waste the last sentence of a paragraph. Use it to make a conclusion, a point of emphasis, something that wraps that paragraph up. Never waste your last sentence with some boring information.

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- Here's a few ways to think about how to create a great topic sentence.

- Put yourself in the reader's position. The reader is always asking "why am I reading this sentence?" How does this information connect to the paragraph I just read, and how is the analysis moving forward, and are T
- Topic sentences in legal writing are not like high school writing where you just announce the main idea of the paragraph and then make the reader wait to see how you develop it.
- In legal writing it really is a thesis sentence – what is the point, what is your idea, sometimes even, what is your conclusion?
- Then the paragraph develops it.

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- Now I am going to tell you four ways to work on great topic sentences.
- Remember that skimming reader, jumping from heading and topic sentence to topic sentence.
- This is how you are going to make it work

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- First, you never repeat the heading.
- The paragraph that immediately follows a heading should have topic sentence that does not just repeat the same information your poor reader just saw in the heading. Don't bore your reader. Push the idea forward.
- Here, this example shows it is the latter part of the sentence that is the most important information. Drop out the repetitive stuff and just start with the key point. Second part of the sentence is the point – don't need to repeat the first

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- Here is an example of good fit.

So, you've got a strong heading, it is descriptive and tells the reader something useful. The topic sentence pushes the idea forward, develops the point in the heading, and leads to the analysis.

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- Think about testing every one of your topic sentences.
- Is this an important or a “so what” sentence? Because your reader is asking the same question.
- Here are two examples of “so what” sentences. You are not telling the reader anything useful or important.
- Now, this is going to happen in your first draft. You are going to have paragraphs that start with topic sentences like these. Why are these topic sentences that the writers will likely revise
- It is because you are thinking as you writing and you are working your way into your ideas and developing your thoughts.
- Go back when you are revising and test every single one of these.
- Use the “so what” test for every paragraph.

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- The third important technique is to keep your topic sentence short, simple, and clear
- Why? Because your reader is skimming. Your reader is reading the headings, then each of the topic sentences to see whether to stop and read in more detail or keep skimming. Help your reader out.
- Now, knowing that a rushed reader will decide whether to read the rest of the paragraph or not is really based on the clarity of the first sentence. So make it easy to read. It is as simple as that.

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- Here is a pretty typical legal writing sentence, unfortunately.
- Lawyers tend to write this way thinking they are giving the reader something important right away: the name of a case. But it is rare that the name of a case is the most important idea that you need to convey to any legal reader.

- It is rare that a topic sentence that starts with “in Case X, judge Y said, blah blah blah”, and then you ultimately get to the point. The reader is always asking “so what?”.
- Or worse, the reader is skipping over all of this material, hunting for the key point you need to make.
- You do need to include citations in legal writing, but where you put them makes a difference. When you are assigned a memo, ask first how should the citations be inserted – in text, as in this paragraph, or in a footnote, where most readers find them less intrusive.
- For this assignment, because the assigning lawyer has actually given you the case to work on, you can put any citations in the footnote. The reader already knows the information.
- In memos where the reader doesn’t yet know the citations, ask: “where would you like to see the citations?”

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- So, here is the idea. you want to focus on the idea or conclusion or analysis, not necessarily the source. You need to back it up but it doesn’t need to be the first thing the reader sees.
- So, where the rule or principle or finding or reasoning of the court is in the point of the paragraph, the main idea you want to tell the reader, put that in the topic sentence. Then follow with the case analysis and case citation.
- If the name of the case is the most important point, OK, put it in the topic sentence. But you are going to find that is not the most common way to write.

Slide 17:

- Here is a quick editing strategy we want you to start using right away. We are going to elaborate on this in workshops and other places, but we want you to have an idea of how to edit for headings and topic sentences, right away.

- First, highlight every heading and every topic sentence.
- Then read only the highlighted items. Does it flow? Does it make sense? If you are the reader skimming along and only reading those items, do you get the idea of the paper? Do the topic sentences build on, but not repeat, those headings? Do the topic sentences flow logically?
- This gives you an editing moment to rearrange the document, revise your topic sentences, perhaps to move the last sentence in a paragraph to be the topic sentence now, so that you've got strong, organized memo.
- If you want a little more help, have a look at pointfirstwriting.com – we have a website that deals with legal writing, Legal Memos Made Easy, and there is some further explanation of this editing strategy.
- So, good luck with your first assignment.