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A Paragraph Should Make a Point Quickly and Compactly

Subject matter and purpose dictate the length

By Kenneth F. Oettle

An associate asked me how long a paragraph should be. I said that a paragraph should be long enough to make a point but not so long as to lose the reader's attention.

Closure and length are the parameters. Look to provide interim closure in successive units of thought whose length the reader will tolerate.

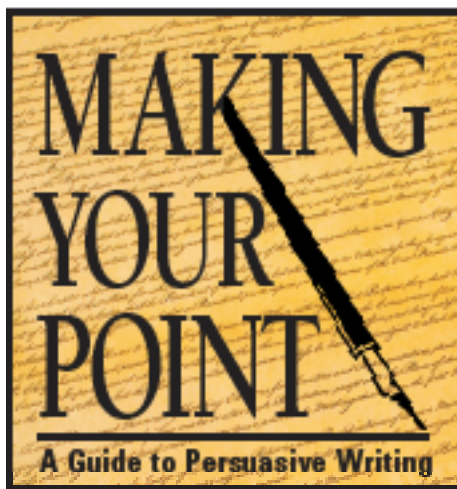
I might add that a paragraph should also be long enough to create a flow rather than a staccato, grade-school effect, but this failing is much less common than overlong paragraphs because lawyers tend to be long-winded, and most of our ideas take more than one or two sentences to express.

Once in a while, for emphasis, a paragraph can be as short as one sentence or even one word. Paragraphs take their shape from the task at hand.

In grade school, we were taught that a paragraph consists of five sentences: first the topic sentence, which states the point; then three sentences of content; and finally a sentence restating the main idea in different words.

The author is senior counsel and co-chair of the writing and mentor programs at Sills Cummis & Gross. "Making Your Point, a Practical Guide to Persuasive Legal Writing," a compilation of these columns published in 2007 by ALM Publishing, is available at LawCatalog.com. He invites questions and suggestions for future columns to koettle@sillscummis.com. "Making Your Point" appears every other week.

I never could figure out how the concluding sentence differed from the topic



sentence. Restating the point seemed to have about as much purpose as rephrasing text from an encyclopedia so as not to plagiarize. In other words, it seemed like make-work.

Years later, I realized that the concluding sentence isn't simply the topic sentence reworked. The concluding sentence presents a different perspective.

In legal writing, paragraphs can, but shouldn't regularly, sum themselves up. That would be tedious — a truth that seems lost on lawyers whose paragraphs always seem to end like this: "Therefore, plaintiff is wrong, and the court should rule ..." (These writers' paragraphs often begin, "Plaintiff argues X. Plaintiff is wrong" — an extraordinarily linear approach that cedes primacy to the adversary's point.)

To a degree, the subject of the paragraph dictates the length — the more complex the idea, the longer the paragraph. Nevertheless, as you approach about two-thirds of a page, ask yourself whether you aren't testing the reader's attention span. Are you combining ideas that should be

separate? Consider regrouping sentences or even rethinking your point.

Most lawyers agree that a full-page paragraph is too long. This view is based purely on length without reference to subject matter because readers have only so much patience. My patience extends to about half a page, maybe two-thirds. After that, the paragraph seems too long, and I resist it. If it goes on, I resent it.

I get similar reactions from my informal polling group. Their patience is limited to anywhere from a third to half a page. Stated reasons include the following:

- A long paragraph slows the pace. I get bored.

- Long paragraphs are intimidating. When a reader sees that a paragraph consumes most of a page, the visual image makes the mind think that the concepts in the paragraph are impenetrable.

- Readers want closure. They are impatient; they crave a sense of accomplishment; and, having expended a great deal of energy reading dense legal prose, they need frequent breaks.

- Legal writing often requires re-reading because it is so conceptual. Re-reading a third of a page is much less daunting than re-reading three-quarters of a page.

- Readers know that a good point can be stated briefly. If you appear to be taking a long time to state a point (*i.e.*, more than half a page), the reader becomes suspicious.

The closest thing to a *sine qua non* for a paragraph — something that almost every paragraph should have — is the topic sentence. It states the paragraph's purpose.

By way of example, a paragraph devoted to a case discussion would begin with something like, "The case of *Smith v. Jones* likewise supports this proposition" — a serviceable topic sentence because

it provides guidance. The paragraph would not begin, “In *Smith v. Jones* ...” — a frequent but notably unhelpful beginning to paragraphs that discuss cases.

For purposes of this column, I reviewed several briefs by strong writers. The paragraphs tended to begin with, among other things:

A statement of law:

The general rule regarding the need for expert testimony is that it is required to enhance the knowledge and understanding of jurors when the matter is “outside the usual lay sphere.”

A dispositive fact:

ABC Corp. failed to include within its response to the RFP a point-of-sale digital display unit visible from fifteen feet as required by the specifications.

An argumentative statement:

An award of attorneys’ fees is appropriate because this is the third time that defendant has refused to comply with the court’s discovery order of April 18.

An issue:

One question that must be

answered when liability policies are construed is, “When did the damage for which liability attached transpire?”

A portion of a technical explanation:

The overflow from each rinse in the electro-plating process is directed to a concrete holding tank, where it is sampled.

A report of what transpired below:

The trial court dismissed this action on three independent grounds.

Each of these opening sentences led easily into a discussion that lasted half a page or less. If the topic is well-chosen, the length of the paragraph seems to regulate itself.

The relationship between a good paragraph in a brief or a memo and the model five-sentence paragraph is not distant, but neither is it tight. With few exceptions, a paragraph in a brief or memo should make a point and have content, as in the five-sentence paragraph. Although not every paragraph has to sum up, readers are hard-wired to understand the end of a paragraph to signal the end of a unit of thought. Stay in rhythm with that.

With few exceptions, make only one

point per paragraph. State one principle of law; make one argument; set forth one sequence of events.

Be brief and complete. Make the paragraph digestible. The reader wants brevity and closure, and you want to make a point. Satisfy the reader’s wishes and accomplish your purpose by using a paragraph to make a compact point.

Puzzler

A Case Information Statement (CIS) accompanies a Notice of Appeal and, among other things, summarizes the case for the appellate court. If the case summary is long, it can be attached to the CIS on a separate sheet. The CIS also identifies and attaches the order or orders appealed from. In that context, what is wrong with the following sentence?

The Case Information Statement attaches a summary of the case and the court’s orders.

The CIS attaches the orders. It does not attach a summary of the orders. To eliminate the ambiguity, change “summary of the case” to “case summary.”

The revised version:

The Case Information Statement attaches a case summary and the court’s orders. ■