The Art and Architecture of Paragraphs: Focus, Flow, and Emphasis, Part II

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This is the second in a trilogy of articles on the topic of writing strong paragraphs that will impress even the most ferocious editors—the kind your students are likely to encounter once they graduate. Our starting point has been a painful psychological fact about how readers, especially readers who are habitually skeptical, approach a document. At every level, from its very beginning all the way down into the innards of its paragraphs, they are constantly asking annoying questions: Why am I reading this? Where are we going? Why are we going there?

These three articles are about how writers should respond to these questions at the paragraph level, so they can keep the reader with them on the page and moving comfortably through the document.

Our first article dealt with creating “focus” at the paragraph’s beginning.1 As it tried to demonstrate, that requires more than a casual, formulaic approach to writing a topic (or thesis) sentence. Instead, it requires careful thinking about what we called the paragraph’s internal and external points—why the reader should read the paragraph and how the paragraph fits with preceding paragraphs to move the analysis forward.

Flow: Moving from Logic to Coherence

This article assumes that we have an adequate beginning and now have to develop the paragraph’s point through its interior. Most novice writers assume that the standard here is relatively straightforward and modest: As long as the paragraph proceeds logically from one sentence to another, the reader will be satisfied. Once again, novices badly underestimate their responsibility. If they stop there, they create documents that become quite irksome to a reader rather quickly. Indeed, when we hear partners in law firms complain that “the associates can’t write,” they often mean that the documents they are handed are a struggle to wade through, even though they are logically organized.

What these documents lack is the quality of “flow.” It is based in the critically important difference, also noted in our previous articles, between a document’s “logic” and its “coherence.” The former is about order; the latter, the perception of order. Logic or, more generally, clear thinking is a necessary condition for coherence, but not a sufficient one.

Understanding Coherence: Old to New

The key to flow within a paragraph is a simple proposition: Readers are best able to understand and absorb information if they can base each new piece of information on something they already know. The idea, in its most general form, is “Put old information before new information.” Start the reader with something familiar to them, and then move them to the unfamiliar. This is the reason behind our previous article’s emphasis on the responsibility of a paragraph’s topic sentence to provide an “external” point, which links the current paragraph (new information) to those that preceded it (old information).

Now we are simply extending that idea into the interior of the paragraph. To represent this phenomenon schematically, the following is a template—familiar to the readers of this column, we assume—that your students could lay on top of any paragraph to determine if the quality of flow is present:

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OLD → NEW
   ↓
OLD → NEW
   ↓
OLD → NEW
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Each sentence should begin with an idea that is not coming in from left field, but is instead obviously linked to previous material. In the diagram above, note that the “new” information in each successive sentence becomes “old” information for the reader as he or she progresses to the next sentence. No step within the paragraph’s sequence is, therefore, a surprise.

**Editing for Flow and Coherence**

Here are three examples. The first we will not bother to revise, using it simply to illustrate how writers operating on automatic pilot may well overlook the difficulties they are imposing on the reader:

“Indispensable instrument” is defined in the Restatement of the Law, Security § 1 comment (e) as “formal written evidence of an interest in intangibles, so representing the intangible that the enjoyment, transfer or enforcement of the intangible depends upon possession of the instrument.” See Annot. Pledge by Transfer of Instrument, 53 A.L.R.2d § 2 (1957). A passbook that is necessary to the control of the account has been held to be an indispensable instrument. *Peoples Nat'l Bank*, 777 F.2d at 461; *Walton v. Piqua State Bank*, 204 Kan. 741, 466 P.2d 316, 329 (1970). In *Miller v. Wells Fargo*, the corporation did not have a passbook account, but rather gained access to its account by telex key code. The bank argued that ...  

The second sentence is upside-down, beginning with the new information of “passbook” and ending with the linking idea of “indispensable instrument.” And the third sentence begins with a case citation that has no evident link at all to the previous two sentences. This kind of glitch happens not because writers are incompetent. Instead, they, like all of us, have a tendency to begin the next sentence somewhat mindlessly with the information that is important to them at that point (the new information about the passbook and the next case to be analyzed), and then end with what they consider boring (the old information from previous sentences).

The next example also has a middle sentence that is upside-down, but we will use it to raise a question: Why is it so hard for so many writers to see that their writing lacks flow?

**Before:**

The Fourth Amendment protects citizens of the United States against unreasonable searches by the government. The Supreme Court applies a reasonableness test to determine whether a citizen’s rights have been violated in unreasonable search cases. The test balances the citizen’s privacy interests against the government’s interests that are furthered by the search.

**After:**

The Fourth Amendment protects citizens of the United States against unreasonable searches by the government. To determine whether a citizen’s rights have been violated in a search, the Supreme Court applies a reasonableness test. This test balances the citizen’s privacy interests against the government’s interests that are furthered by the search.

In the original, the second sentence begins with new information (“Supreme Court” and “reasonableness test”) and only then, at its end, provides the connective tissue from the first sentence (“unreasonable search cases”). The revision fixes that problem and, in the process, also...
Because of the vastness of the ‘old’ information in their heads, it can become difficult for them to see the points of disconnect for their readers, especially when they are writing within their area of expertise.”
recent popularity is the attempt of companies to expand through acquisition of other firms, while avoiding the antitrust problems of vertical or horizontal mergers. The resulting corporations have had none of the earmarks of the traditional trust situation, but they have presented new problems of their own. In these conglomerate mergers, although the market shares of the several component firms within their individual markets remain unchanged, their capital resources become pooled—that is, concentrated into ever fewer hands. Economic concentration is economic power, and the government is concerned that this trend, if left unchecked, will pose new hazards to the already much-battered competitive system in the United States.

Logic, Coherence, and the Dangers of Relying on Logic Alone

Even with this example, we suspect you did not find the original a chaos of random sentences. That is because the sentences fall into place in a logical sequence. The revision does not improve the logic: It gives us the same points in the same order. But only the revision is also coherent: It does not make the reader perform extra steps to perceive that logical sequence. The original paragraph, in contrast, makes the reader turn each sentence upside-down to fit it into the sequence. In a single paragraph, this extra work may not matter much; however, over the length of a document, it is increasingly annoying and, eventually, exhausting.

Sometimes, however, a paragraph that does not “flow” can be not only difficult to read, but actually confusing and misleading. To see this, read the next original assuming that the writer is competent—that is, that he or she is following the old→new pattern—but then note what you discover at the end of the second sentence.

Before:

Governmental immunity is the doctrine under which the sovereign, be it country, state, county or municipality, may not be sued without its consent. Osborn v. Bank of the United States, 22 U.S. 738 (1824). The purpose of the immunity of public officials is not directly to protect the sovereign, but to protect the public official while he performs his governmental function, and it is thus a more limited immunity than governmental immunity. Courts have generally extended less than absolute immunity for that reason. The distinction between discretionary acts and ministerial acts is the most commonly recognized limitation. The official is immune only when what he does while performing his lawful duties requires “personal deliberation, decision, and judgment.” See Prosser, Law of Torts 132 (4th ed. 1971).

Any reader who does not happen to be an expert in the area of immunity doctrine would read the second sentence thinking that, if it is beginning with “old” information, then the concepts of “governmental immunity” and the “immunity of public officials” are the same, just in different terminology. Only at the end of the second sentence do you discover that they are two very different concepts.

Here is a possible revision that announces this difference much earlier.

After:

Governmental immunity is the doctrine under which the sovereign, be it country, state, county or municipality, may not be sued without its consent. Osborn v. Bank of the United States, 22 U.S. 738 (1824). The immunity of public officials, in contrast, does not protect the sovereign directly, but only the public official while he performs his governmental function. For this reason, courts have generally extended less than absolute immunity. The most commonly recognized limitation arises from the distinction between discretionary and ministerial acts. Under this distinction, the official is immune only when what he does while performing his lawful duties requires “personal deliberation, decision, and judgment.” See Prosser, Law of Torts 132 (4th ed. 1971).

The second sentence could (and probably should) put “in contrast” at its beginning to prevent any possible confusion about the link here, but that is a judgment call we need not resolve.
Topic Chains and Topic Cores

One final piece of advice for novice legal writers: The old→new principle can be applied in two ways, which can be mixed in any given paragraph as the writer prefers. The first is a “topic chain,” where a sequence is established by connecting ideas like a chain-link fence, with the beginning of one piece hooked to the previous piece:

This has been the technique employed primarily in the examples in this article. But there is also a second technique, usually labeled a “topic core.” This technique begins with a core topic that links the first three sentences by being the grammatical subject of each:

Here is a final example that shows a paragraph that mixes the two approaches. It begins with “board of directors” as the core topic, and then switches to a chain with “this requirement” at the beginning of the fourth:

During the contest, Unocal’s board of directors adopted a series of four defensive measures, only the last of which Mesa challenged in court. In the first three, unchallenged steps, the board foreclosed hostile bidders from calling special meetings by allowing only Unocal’s own directors to call them, prohibited action by shareholders by written consent, and classified the board. The board then took another, more aggressive step: It amended Unocal’s by-laws to limit access to the agenda of an annual meeting by requiring that a shareholder give notice at least 30 days before the meeting of any proposal to nominate a candidate for the board or to raise any other business. This requirement became even more onerous later during the takeover contest, when Unocal’s board announced a stringent interpretation of the amendment: If an annual meeting were adjourned, Unocal would determine whether a shareholder had satisfied the 30-day notice requirement by reference to the original meeting date, not the new date. This interpretation was announced in a letter mailed to shareholders 22 days before a scheduled meeting, thus preventing any change to the agenda no matter when the meeting was held.

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The next, and last, article in our series will add some finishing touches to the character of a paragraph by discussing techniques for managing the emphasis it gives each piece of information within it—without the usual resort to italics or bold type. It will also be based on a psychological phenomenon: the “natural emphasis” that readers give to certain places in any sequence, including the sequence of words and sentences in a paragraph.

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