

The Scrivener: Modern Legal Writing
The House That Jack Built With Effective Transitions
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DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

K.K. DuVivier will be happy to address them through the Scrivener column. Send your questions to: kkduvivier@law.du.edu or call her at (303) 871-6281.

Constructing a paragraph is somewhat like constructing a house. Our sentences are like the boards that form the frame of our ideas. However, those boards may end up looking more like a pile of lumber than an actual building if we do not connect them in a logical way.

Generic Transitions

Perhaps the most common way to join two wooden boards is with a foreign object—a metallic nail. In writing, the nails between two ideas are "generic transitions"—words or phrases we add solely for the purpose of signaling a transition from one sentence to the next.¹

We should use generic transitions between sentences whenever our writing reflects a shift in our thoughts. For example, we can throw in a transition such as "also" to indicate a new, but similar, point; we can insert a transition such as "however" to indicate a contrary point. By including this one word in the sentence, we can help our readers smoothly transition from the ideas in the first sentence to the ideas in the second.

Be careful when adding a generic transition, however. Just as driving in a nail at the wrong angle may leave gaps between two boards, we also must be careful not to make our sentence construction wobbly by choosing the wrong transition word. Instead of helping readers follow the flow of the analysis, an inappropriate transition can create confusion and lead readers astray. We do not want to start a sentence with "similarly" if our objective is to distinguish that sentence from the ideas in the previous sentence. Below is a sampling of some common generic transitions:

- To add a new point: *and, also, next, further*
- To indicate a difference: *however, but, in contrast, alternatively*
- To indicate a similarity: *also, like, as, similarly*
- To illustrate or explain an idea: *for example, for instance, specifically*
- To conclude: *therefore, thus, in conclusion.*²

Substantive Transitions

Just as skilled carpenters may join two planks of wood with objects other than hammered nails, writers have alternative methods of transitioning from one sentence to the next. Sometimes, carpenters piece together wood by interlocking portions of each piece to create dovetail or tongue-in-groove joints. Writers similarly can transition from one sentence to the next using "substantive transitions."³

The substantive overlap can come from repeating words or phrases from the first sentence in the one that follows. Pronouns also are useful for linking back to an antecedent in the first sentence.

Sample: In Esser, four people agreed to share costs and build a road. After *it* [the road] was built, each *person* used the *road* under a claim of right.⁴

In other constructions, a summarizing phrase can dovetail with the previous sentence, making it unnecessary to repeat the exact words from the previous sentence.

Sample: Search and seizures are governed by the Fourth Amendment to the U.S. Constitution and Article I, § 7, of the Washington Constitution. *Both of these provisions* have been interpreted as requiring that search warrants be valid and that searches and seizures be reasonable.⁵

Impact of Choosing One Type of Transition Over Another

Although substantive and generic transitions frequently are interchangeable, they can lead readers to different interpretations of the same sentence. Compare the following examples of two sentences joined by different transition words.

Sample 1 (generic transition): Han's doctor, Chris Pierce, advised her that the surgery had a 95 percent success rate. *Consequently*, Han decided to undergo the procedure.

Sample 2 (substantive transition): Han's doctor, Chris Pierce, advised her that the surgery had a 95 percent success rate. *Relying on Dr. Pierce's advice*, Han decided to undergo the procedure.⁶

Notice how the choice of transition varies the impact of the sentences. In Sample 1, the generic transition word "consequently" is somewhat neutral and does not infer a strong connection between the doctor's advice in the first sentence and Han's decision in the second. In contrast, the substantive transition words in Sample 2 seem to reinforce an argument for possible liability on the part of the doctor. First, by using the word "rely," Sample 2 suggests that Han's decision was based on her doctor's professional opinion. Second, by repeating Pierce's name, Sample 2 emphasizes that Pierce was the particular doctor who played a role in influencing Han's decision to undergo the surgery.⁷

Conclusion

We must approach our writing with as much skill as carpenters use to construct a house. Gathering the lumber is just the first in a series of important steps. To construct a sound structure, we must pay close attention not only to the ideas but also to how they are joined.

NOTES

1. Enquist and Oates, *Just Writing*, 2nd Ed. (New York, NY: Aspen Publishers, 2005) at 55.

2. All categories and some examples verbatim from Slocum, *Legal Reasoning, Writing, and Persuasive Argument*, 2nd Ed. (Newark, NJ: LexisNexis,® 2006) at 237–38.

3. Enquist, *supra* note 1 at 63.

4. Sample almost verbatim from Enquist, *supra* note 1 at 64.

5. Sample almost verbatim from Enquist, *supra* note 1 at 65.

6. Samples modeled from Enquist, *supra* note 1 at 69.

7. *Id.*

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