



## Headings

# A “Two-fer” Not to Be Ignored

By Linda L. Morkan

**S**ometimes we find ways to improve our persuasive writing in unexpected places. For instance, direct advertising materials and newspapers are adept at attracting readers and “reeling them in.” Sure, you might be baiting your line for bigger fish, but there is a lot to be said for a snappy headline.

Headings: humble, yet functional; short, but informative. A strong heading will pull double duty, helping both you and your reader. Not only will it help your reader navigate your brief, it will help you draft a clearer argument.

## Help Your Reader: Pithy and Informative Headings Steer Your Readers and Motivate Them to Read More

Considering the effort that you invest in your legal memoranda, it is well worth your time to make your product as “user-friendly” as possible. Headings act as guideposts. Imagine stepping stones across a river or a highway with milepost markers—the important thing is that the readers are led from one point to the next until they have arrived at the legal point that was your inexorable destination.

Headings also show respect for a reader’s time. Let the truth be told: readers skim. Accept this reality and use headings to communicate the major points (in a bold font). Then at least the reader is getting the flavor, if not fully digesting every morsel.

Additionally, headings can point a reader to the material that most interests him. For example, an experienced judge might skip the “black letter law” section, and instead dedicate more time to the sections of the brief that introduce new concepts.

Finally, well-placed interruptions can entice readers forward. How many times have you tired while reading a novel, but thought “I’ll just read to the end of this chapter”? A heading provides the same kind of natural breaking point for a reader. The hope is that, having reached that benchmark, readers are so enthralled that they think “Oh! Just one more.” What you want is for them to keep doing that until they have read your entire brief, stone by stone, across the river.

## Help Yourself: Outlining Your Arguments Before You Write Allows You to Organize Your Thoughts and Write More Persuasively

Incorporating headings into your writing not only helps your reader, but it also helps you draft a better legal argument. Before you ever put finger to keyboard, you should create an old-fashioned Roman numeral outline. This forces you to sift through your ideas and organize your research.

The first level of the outline (*i.e.*, your Roman numeral categories) is represented by your primary issues. In appeals, these are ready made: they are the issues you have appealed. In other memoranda, you will need to identify those major issues first.

The next level of headings (*i.e.*, the uppercase letters) represents the core reasons why the statements in your Roman numerals are correct; each level of heading thereafter expounds on the support that you have for the reasons set forth in the capitalized letter. If you organize your thoughts and research this way, flaws in your logic or gaps in your thinking will quickly be made apparent. And, of course, now you have all of your headings by virtue of creating an outline. The hardest work has been done before you even started writing.

Just as it is easier for a reader to read from break to break, it is much easier for you, as author, to write from break to break. Writing a 50-page brief is more palatable when you think of it as seven seven-page sections. Crossing that wide river is a lot less daunting if you contemplate jumping across stone by stone.

Now, you *could* use your outline headings “as is,” but it would be better to do a little primping for the final product. Tweak those headings so that they pack a punch. Use the active voice and convey as much information as you can without overwhelming readers (for example, keep your headings under four lines). Be aggressive in your effort to engage the reader’s attention, especially in the higher levels of headings. Reel the reader into the text. People are naturally curious. If you promise them something surprising or beneficial, you increase your odds of enticing them.

In conclusion, it is easy to disregard the benefits of a simple “headline.” Artful headings, though, will help your readers better understand your arguments and the process of drafting those artful headings will help you better organize your arguments. Two great benefits for a little bit of extra effort, that’s a two-fer you can’t afford to pass up.



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