



FLORIDA STATE UNIVERSITY COLLEGE OF LAW
WRITING CENTER

GETTING STARTED¹

“Well begun is half done.”

–Aristotle

What is your greatest struggle as a legal writer? It is determining what your points are – and then stating those points clearly, with adequate reasoning and support. This advice seems obvious. But legal writers constantly ignore it.² The result is a muddled, incoherent style.

How can you avoid aimless writing? Consider outlining. An outline organizes your thoughts. It sharpens your argument by revealing gaps in your reasoning. Outlining helps you develop the structured writing that other attorneys expect to see in your work product. An outline also saves you time: you will produce an analytically stronger legal document in less time because you will see how the pieces of your legal puzzle fit together.

Use a linear or nonlinear outline.

Outline around your issues, not your authorities. Here is an example of a linear outline that organizes the main issues of a legal document:

I. The Browns can establish adverse possession.

- A. The Browns can establish “actual possession” because they used the land as an owner would.
- B. The Browns can show they possessed the land “openly and notoriously” because the owner had constructive, if not actual, notice.
 - 1. The true owner did not have actual notice of the claim because she lived in Wisconsin.
 - 2. The true owner did have constructive notice of the claim sufficient to satisfy the “open and notorious” element.

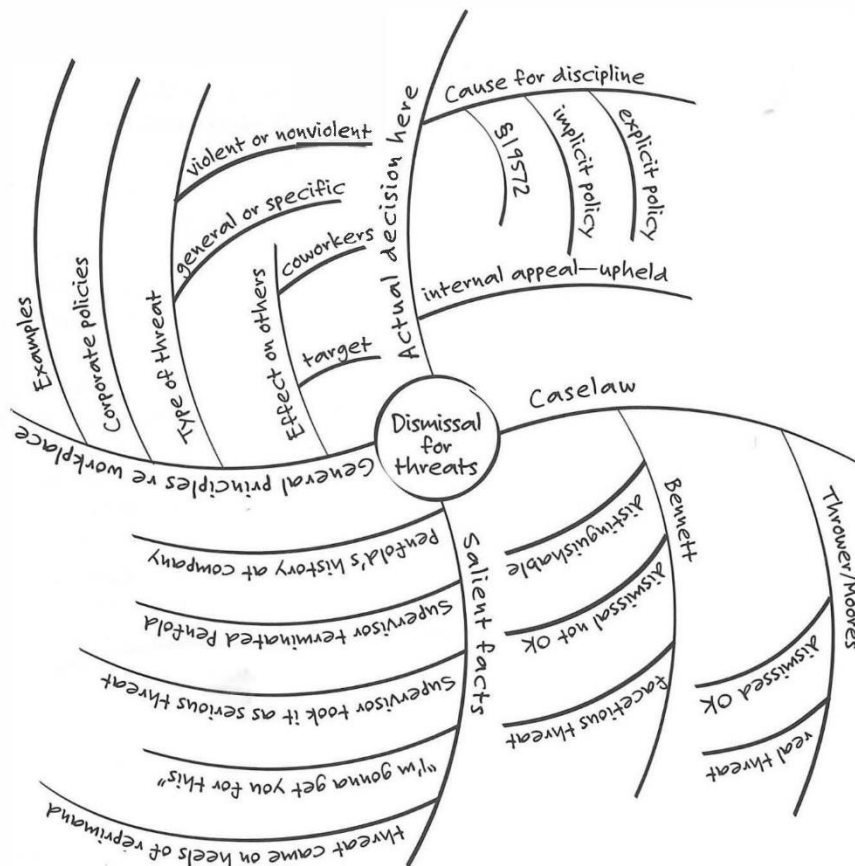
II. (next issue)

A linear outline uses topic sentences that will be useful in the first draft. Fill in the authorities around these main issues.

¹ By Cecelia Smith, Writing Specialist, 2023.

² BRYAN A. GARNER, LEGAL WRITING IN PLAIN ENGLISH 7-8 (2d ed. 2013).

Some people prefer a nonlinear outline:³



This “whirlybird” outline allows you to spin out ideas early in the planning phase. Write your main idea in the center, and then begin adding ideas – the more the better. You are striving for creativity here.

While you may start with a nonlinear outline, you should end with a linear outline. Your linear outline should order your material in a logical fashion. Choose a pattern that best allows you to convey your message to your particular audience. For example, in a memorandum of law, you may order your issues to mirror the law.⁴ In a brief, you may order your arguments according to strength.

Use complete sentences.

Write your outline in complete sentences. Your final outline should include all your topic sentences and headings. Writing your outline in complete sentences will make easy work of writing your draft. Outlining provides a framework for you to turn jumbled thoughts into polished prose.

³ BRYAN A. GARNER, *LEGAL WRITING IN PLAIN ENGLISH* 8 (2001).

⁴ KRISTEN E. MURRAY & JESSICA LYNN WHERRY, *THE LEGAL WRITING COMPANION* 37 (2d ed. 2019); *See also* ALEXA Z. CHEW & KATIE ROSE GUEST PRYAL, *THE COMPLETE LEGAL WRITER* 334-335 (2d ed. 2016).