

# Persuasion Through Organization

ANOTHER IN A SERIES

## Thesis Sentences

**F**rom the legal reader's perspective, a persuasively written argument follows the "rule of the chain"—it has no missing links and can be followed from beginning to end with ease. From the legal writer's perspective when organizing a document, following the rule of the chain demands attention in three areas.

First, as previously discussed, roadmap paragraphs are essential to persuasive organization. They provide a step-by-step outline of the argument, allow readers to

see the argument "big picture," and let skeptical legal readers begin to "test" how well the law and the facts support the argument.

Second, thesis sentences introduce the ideas in each paragraph and act as a link between the ideas and arguments developed in the document.

Finally, transitions, in the form of words or phrases, have the role of making precise connections between and within sentences.

In this article, we take a look at the thesis sentence, a particularly important tool in helping readers quickly understand the critical content of paragraphs.

The thesis sentence, or a persuasive topic sentence as it is known to some, is not unique to legal writing. In fact, anyone who has ever written an essay in English 101 has written at least one thesis sentence—to announce the author's position on the essay's topic. In legal writing, however, thesis sentences should be used more frequently: at the beginning of almost every argument paragraph to help readers understand the point of the information being offered. However, a good thesis sentence should not be confused with a simple topic sentence. A thesis sentence not only gives the topic of the paragraph it introduces, it also furthers the writer's argument on a particular point and it helps the reader make the connection between the paragraph that's coming up and the paragraphs he or she has already read.

First, a good thesis sentence clearly describes the subject matter of the paragraph it begins. It identifies the paragraph's purpose and provides a frame of reference for what is to follow. Relatedly, all the sentences following the thesis sentence should relate to its topic; any sentence that doesn't should be moved elsewhere.

In legal writing, the placement of the thesis sentence as the first sentence of the paragraph is important. By appearing at the beginning of the paragraph, the thesis sentence meets reader expectations; the reader immediately knows the point of the paragraph and can "test" how well the remainder of the paragraph supports that point. Without a thesis sentence at the beginning of the paragraph, however, the reader's expectations are violated, and the reader is set adrift waiting for the point of the paragraph. And an adrift reader is not one who is easily persuaded!

Second, the thesis sentence takes a position or makes an argument that can be proven true or false. That is, a good thesis sentence is not "neutral"; it is used to advance the writer's argument. Sometimes

an argument is less persuasive than it could be because the writer has failed to expressly state the key propositions of the argument. This is a significant shortcoming because the reader (or, even worse, the opponent) can then define the argument's key points. By placing an argument at the beginning of the paragraph and then using the remainder of the paragraph to support it, a legal writer can take advantage of a point of emphasis (the beginning of a paragraph) to keep control of the arguments and draw the reader's attention to them.

One particularly useful test for making sure a persuasive legal document has strong thesis sentences is to read *only* the first sentence of each paragraph. If the sentences (1) provide an outline of the argument as set up in the roadmap paragraph and (2) make assertions that support the writer's positions, then the thesis sentences are doing the job of both organizing the document and advancing the argument.

In addition to governing the topic of the paragraph and furthering the writer's argument, a good thesis sentence acts as a bridge between what has already been discussed and what is coming next. The thesis sentence of this paragraph is an example. First, the sentence reviews the two important qualities of thesis sentences already discussed, and then it introduces the topic of this paragraph, the idea of "bridging." Second, it makes an assertion or an argument—that a good thesis sentence has these three qualities. Moreover, it relates back to the "roadmap" paragraph of this section where the three key thesis sentence qualities are introduced. By using thesis sentences to refer back to the ideas previously introduced in the roadmap paragraph to ideas now being discussed in more detail, the reader can more easily follow the discussion, can determine what assertions are being made, and can judge whether she agrees with those assertions.

One place where thesis sentences are particularly useful is at the beginning of paragraphs that explain case law on a particular point. For example, here is a paragraph (citations omitted) from a response in opposition to a motion to dismiss in a

conversion action that is explaining a key case.

In *Autoville*, an individual, Friedman, agreed to purchase automobiles and place them on the lot of a car dealer, Autoville. The titles to the purchased vehicles were held in Autoville's name. When Autoville sold the cars but failed to pay Friedman, he sued for conversion. The court consequently held that Friedman could not sue for conversion because Friedman did not own or have the right to possession of the vehicles. The court found one exception, however, a truck Friedman owned outright. The truck was subject to a "factoring" agreement with Autoville whereby Autoville agreed to sell the truck as Friedman's agent and remit to Friedman a specific sum. The court held that when Autoville failed to remit the funds, Friedman could bring an action for conversion for the proceeds because he had ownership rights in the truck.

Although this paragraph successfully describes the facts, holding, and reasoning of the *Autoville* case, a typical legal reader likely would be somewhat frustrated because, without a thesis sentence, it's difficult to determine *why* the reader has chosen to discuss the *Autoville* case in the first place. Certainly, reading the entire document would help contextualize the *Autoville* case and define its purpose in the response. But what if the reader had the benefit of this sentence at the beginning of the paragraph?

*If an ownership interest or right of possession in property offered for sale is established, then action for conversion of the resulting proceeds is possible.*

This thesis sentence will be helpful to the reader because it has the three key qualities discussed above. First, it announces the topic of the paragraph. The reader knows what to expect from this para-

graph: an explanation of this legal principle. The paragraph then meets those expectations by describing how the *Autoville* case stands for the principle.

Second, the sentence makes an assertion that can be proven true or false; that is, the typical legal reader can decide, as he reads, whether he agrees with the writer that *Autoville* stands for this proposition. By the end of the paragraph, the reader will have evaluated the veracity of the writer's assertion. Even more important, however, the writer has taken advantage of a position of emphasis—the beginning of a paragraph—to persuade the reader how to view the legal test derived from the *Autoville* case. If the writer had left the paragraph in its original form, not only would the reader be confused by not knowing the point of the *Autoville* discussion, but the writer would have lost a critical opportunity to shape the reader's thinking about the *Autoville* case. And, in a case in which the law is at issue, this lost opportunity would be significant.

Finally, although this is difficult to see without the benefit of the entire document, this sentence likely serves as a link to what has come before in the document and what is likely to come after. From this sentence alone, we can anticipate that the document has a roadmap paragraph that talks about ownership interests or possession; and, if the writer has done her job, one can anticipate an upcoming argument on the facts of the case that deals with an ownership interest in or possession of some property that was sold and whose proceeds were never paid.

In summary, thesis sentences help the reader understand written legal arguments by giving the topic of paragraphs, making assertions and arguments that support the writer's position, and making connections in the document. By tying ideas and arguments together, they make arguments more easily understood and thus more persuasive. 

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