



Legal Writing Center

WHAT'S THE POINT?

How Effective Point Headings Can Take Your Writing from Good to Great

"In any clear-headed view of written advocacy, point headings should be on the list of priorities."

*Bryon A. Garner
ABA Journal
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What They Are

Point headings, quite simply, are concise declarative sentences in trial memos and appellate briefs that sum up the conclusions that you wish the reader to draw from the text following the point headings. You may also see point headings referred to it as "headings" or "captions." Whatever the name, a point heading can be a valuable advocacy tool. Often given short shrift in legal writing courses, point headings serve a crucial role when writing a trial memo or a brief. Great point headings provide a figurative rudder to guide the reader through the sea of one's text. They not only highlight where the argument is and where it will go next, but they also direct the reader to draw particular conclusions, conclusions that ultimately favor your client.

All too often, students are told that point headings are in essence a distillation of one's outline and nothing more. Although creating an outline of your various arguments is an effective pre-writing organizing tool, point headings in a final written product should not merely be a regurgitation of one's outline with no additional thought.

If done right, point headings immediately capture the attention of the reader. They're in bold. They're short. For a busy judge or law clerk, a point heading may be the sole item read in a trial memo or brief prior to a hearing before the court. Thus, a well written point heading will serve a two-fold purpose: it will distill the essence of your argument and it will persuade the reader with legally significant facts of your case to support the conclusions you're asking the reader to draw

How to Write Them

- Point headings are typed as normal sentences (never in all-caps and especially never in all-initial-caps), bold-faced and single-spaced, in the body of the brief.
- Complete declarative sentences varying length from 15 to 35 words maximum. Point headings traditionally are one sentence. However, this practice is evolving to permit writers to use more than one sentence in particularly complex legal issues.
- If a case is mentioned, use its name without a citation. (Never append a footnote to a heading.)
- Use Roman numerals and sub-points are capital letters (A, B, C) for each heading and subheading.



Examples

Ineffective:

The Plaintiffs should not get damages.

This is an ineffective point heading. The sentence is just a direct response to the question presented, and does not advance the writer's rhetoric.

Better:

The Court should not award the Plaintiff damages for the costs of raising their normal, healthy daughter to majority.

This is better because the language is more precise and powerful. The writer, however, still fails to address the "why."

Best:

I. The Court should not award the Plaintiffs damages for the costs of raising their normal, healthy daughter to majority.

- A. Because Plaintiffs sought sterilization for non-economic reasons, the birth of a healthy daughter did not injure them.**
- B. Awarding full child-rearing costs harms the mental health of unwanted children and will discourage doctors from performing needed sterilizations.**

This helps crystallize the argument by using subheadings and powerful language to sway the reader with both legal and public policy arguments, which are effectively separated into subheadings.

For Further Study

Take a look at briefs filed in the appellate courts in Maryland or the federal circuit courts or the United States Supreme Court. Can you discern the argument from the point headings alone in a brief? If so, you are reading effective point headings.

Need more help? Contact the Legal Writing Center for an appointment:
law.ubalt.edu/legalwriting or email Prof. Diamond at cdiamond@ubalt.edu.

