

Paragraphing

By Patrick Barry

“There is a style of paragraphing as well as a style of sentence structure.”

—Edward P. J. Corbett, *Classical Rhetoric for the Modern Student* (1971)

Consider treating the word *paragraph* as a verb. Think of it as something you can do well or poorly, with major consequences for your readers. Good paragraphers, for example, help readers. They make it easy to navigate and absorb information. They don't flit around, hastily moving on to the next point before fully supporting their first. Nor do they get stuck for too long in one place. Instead, they give a lot of thought not just to the ideas but also to their arrangement—their shape, their balance, their pace.

Bad paragraphers don't. In fact, bad paragraphers don't think much at all, or at least not about the way their thoughts are communicated and positioned. They're perfectly fine burdening people's brains with pages and pages of undifferentiated text. They're also, just as inconsiderately, frequent abusers of the sometimes-useful practice of including one-sentence paragraphs: they turn what can be an effective contrast if done judiciously into a distracting habit because done so indiscriminately.

As the journalist Andy Bodle has pointed out, the wonderful one-sentence paragraph

that closes *The Great Gatsby*—“So we beat on, boats against the current, borne back ceaselessly into the past”—would lose much of its effect if every preceding paragraph were also that length.¹ “Lots of short paragraphs,” he explains, “create the impression of a series of unconnected slogans, with no obvious progression.”² Prose with punch is good; prose without progression is not. Most writing has more to offer than just soundbites.

In *The Sense of Style: The Thinking Person's Guide to Writing in the 21st Century*, Steven Pinker offers a way to think about the two extremes of bad paragraphing. He first focuses on those instances that need more breaks. “Sometimes a writer should cleave an intimidating block of print with a paragraph break to give the reader's eyes a place to alight and rest,” he suggests, adding that academic writers “often neglect to do this and trowel out massive slabs of visually monotonous text.” He then addresses the opposite concern: “Newspaper journalists, mindful of their readers' attention spans, sometimes go to the other extreme and dice their text into nanographs consisting of a sentence or two apiece.”³

In Pinker's view, inexperienced writers tend to drift more toward academic vices than journalistic ones. They use too few paragraph breaks, not too many. So Pinker offers this advice: “It's always good to show mercy to your readers and periodically let

them rest their weary eyes. Just be sure not to derail them in the middle of a train of thought.”⁴

Everything went wrong

To test your own paragraphing skills, try an exercise I do with students at the University of Michigan Law School. I give them a big chunk of unparagraphed text. I ask them to read it over. Then I tell them to identify where they think the paragraph breaks go. The text is usually from a well-written legal brief. I ask students to put the breaks back in, as if they were composing the brief themselves.

Among my favorite briefs to use is one written by another faculty member at Michigan, Professor Paul Reingold. In 2013, Reingold teamed up with former Michigan Supreme Court Justice Charles Levin to represent Matthew Makowski, a 45-year-old man who had been sentenced to life without parole when he was 20 for his part in a robbery that, although intended to be without weapons, ended up leading to the death of one of Makowski's coworkers. Here's the opening part of the Statement of Facts section.⁵ See if you can find where Reingold and Levin put their paragraph break.

The Crime: The facts of the crime are not in dispute. In 1988 Mr. Makowski was 20 years old. He had no criminal history.

“Plain Language,” edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 34 years. To contribute an article, contact Prof. Kimble at WMU-Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, Google “Plain Language column index.”

Good paragraphers . . . help readers. They make it easy to navigate and absorb information.

You want development [from paragraphs].
You want progression. You want them to create
a natural sense of movement from one idea
to the next.

He worked as a manager at a Dearborn health club. He had two young employees who, like him, were also bodybuilders and athletes. Mr. Makowski gave cash from the club to one of the employees and sent him out to get a money order. Mr. Makowski conspired with the second employee and that employee's roommate (whom the first employee did not know by sight) to intercept the courier and steal the money. Mr. Makowski said he would share the proceeds with the second worker and his roommate-robber. Everything went wrong. What was supposed to be an unarmed robbery became a murder committed during a robbery when the courier got the better of the roommate-robber and threw him down. The robber pulled a small folding jack-knife, stabbed the courier twice, and fled with the cash (\$300 of which went to Mr. Makowski). The courier—Pete Puma—died later that night at the hospital.

The answer is, as you may have guessed, that the paragraph break goes right before “Everything went wrong,” a sentence I absolutely love.

Reingold and Levin, who represented Makowski pro bono, decided to make the three-word sentence begin its own paragraph. Doing that signals to the reader that we are moving on to a new thought, that we have entered a new scene. Paragraph breaks are made for that kind of guidance. They are stage directions for your brain.

They are also, in this instance, an act of persuasion. The main issue in the case was whether the Michigan governor at the time, Jennifer Granholm, had the authority to rescind her decision to commute Makowski's sentence of life without parole to a sentence

of life with the chance of parole, given that all the following steps of the commutation process had already been completed:

- Governor Granholm had signed the commutation letter, after having received a recommendation from the parole board to issue it.⁶
- Governor Granholm then sent that letter to the Secretary of State's office, where it was signed again, affixed with a gold-foil seal, and sent back to the governor for delivery to the Michigan Department of Corrections.⁷
- Governor Granholm had authorized her deputy legal counsel to email the Michigan Department of Corrections announcing the commutation, a message that, according to the deposition testimony of the deputy legal counsel herself, is considered “the final piece” of the commutation process.⁸

Reingold and Levin relied on an extended analogy to *Marbury v. Madison* to argue that the time to take back the commutation had now passed. Signatures had been applied, seals had been affixed, the deal was in effect done—all after careful consideration on a variety of levels.⁹

But that was just their constitutional argument. They also devoted significant space in the brief to the more human aspect of the case: how Makowski deserved a shot at parole.

Model inmate, severe sentence

Part of their plan involved highlighting how Makowski, now white-haired and middle-aged, had been a model inmate for

the past 25 years. They explained that during his entire time in prison, he had been issued only two misconduct tickets. One was for possessing “contraband,” which turned out to be a piece of cheese; the other was for “dissent,” when Makowski disagreed with an authority figure while serving as a cellblock representative.¹⁰ This near-perfect record helped Makowski earn the respect of the prison staff, many of whom personally congratulated him when they learned of the governor's original decision to commute his sentence. It also boosted his case in front of the parole-board members: they're the ones who recommended that the governor commute his sentence down to something that would someday give him a chance at parole.

Another part of the plan—the part that Reingold and Levin's first bit of great paragraphing furthers—was to stress the disconnect between Makowski's small, nonviolent role in the robbery and the severity of his original sentence. Makowski did not commit the murder. Nor did he intend for the robber to even carry a weapon. He was still at the health club, which was nowhere near the fatal altercation. Reingold and Levin's third paragraph makes this clear. Here it is, combined with the two paragraphs we have already seen, just to give you a sense of how all three work together:

The Crime: The facts of the crime are not in dispute. In 1988 Mr. Makowski was 20 years old. He had no criminal history. He worked as a manager at a Dearborn health club. He had two young employees who, like him, were also bodybuilders and athletes. Mr. Makowski gave cash from the club to one of the employees and sent him out to get a money order. Mr. Makowski conspired with the second employee and that employee's roommate (whom the first employee did not know by sight) to intercept the courier and steal the money. Mr. Makowski said he would share the proceeds with the second worker and his roommate-robber.

Everything went wrong. What was supposed to be an unarmed robbery became a murder committed during a robbery when the courier got the better of the

roommate-robber and threw him down. The robber pulled a small folding jack-knife, stabbed the courier twice, and fled with the cash (\$300 of which went to Mr. Makowski). The courier—Pete Puma—died later that night at the hospital.

Mr. Makowski was charged with first-degree murder and armed robbery. At trial the second employee testified that, to his knowledge, Mr. Makowski never knew that the roommate-robber had a knife. The robber confirmed that testimony:

Q. Did you ever tell [Mr. Makowski] that you were carrying a knife?

A. No.

Q. Did he ever tell you to use that knife?

A. No.

Q. As far as you knew did Matt Makowski ever know that you had a knife?

A. No, no one knew I had a knife.

The jury nonetheless convicted Makowski of first-degree (felony) murder and armed

robbery. He was sentenced to mandatory life in prison under MCL 750.316.¹¹

All three of these paragraphs have a separate focus and function. All three do different work. But because that work is complementary, a coherent story and argument develops.

And that's exactly what you want from paragraphs. You want development. You want progression. You want them to create a natural sense of movement from one idea to the next. Reingold and Levin do that throughout their brief—which may be one reason the Michigan Supreme Court ruled in their favor and blocked Governor Granholm from rescinding Makowski's commutation. Less skilled paragraphers might not have been quite as persuasive. ■

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ENDNOTES

1. Bodle, *Breaking point: is the writing on the wall for the paragraph?*, *The Guardian* (May 22, 2015) <<https://www.theguardian.com/media/mind-your-language/2015/may/22/breaking-point-is-the-writing-on-the-wall-for-the-paragraph>> (accessed June 8, 2018).
2. *Id.*
3. Pinker, *The Sense of Style: The Thinking Person's Guide to Writing in the 21st Century* (New York: Penguin, 2014), p. 145.
4. *Id.*
5. Brief for Petitioner-Appellant at 3, *Makowski v Snyder*, 495 Mich 465; 852 NW2d 61 (2014) (No. 146867) <<https://www.law.umich.edu/currentstudents/writingbettersentences/Documents/Faculty%20Briefs-Paul%20Reingold-Makowski%20v.%20Snyder.pdf>> (accessed June 8, 2018).
6. *Id.* at 5.
7. *Id.* at 6.
8. *Id.*
9. *Id.* at 11.
10. *Id.* at 4.
11. *Id.* at 3.

Contest Winners

There was no column in July because the *Bar Journal* had so much content. I had earlier asked readers to try revising the sentence below from the pre-2007 Federal Rules of Civil Procedure, Rule 71. I said that the main trouble is unnecessary repetition:

When an order is made in favor of a person who is not a party to the action, that person may enforce obedience to the order by the same process as if a party; and, when obedience to an order may be lawfully enforced against a person who is not a party, that person is liable to the same process for enforcing obedience to the order as if a party.

In the top-to-bottom redrafting of the civil rules that took effect on December 1, 2007, that sentence was revised like this:

When an order grants relief for a nonparty or may be enforced against a nonparty, the procedure for enforcing the order is the same as for a party.

I promised a book to the first two readers who sent me an "A" revision. The winners are Fred Schubkegel, of Varnum LLP (the first one below), and Sean Dutton, a Sixth Circuit law clerk (the second one). To both of you: well done. I made a couple of little comments.

Orders [prefer the singular in drafting] enforceable by or against non-parties [no hyphen, according to most authorities] are enforceable in the same manner as orders enforceable by or against parties.

An order for or against a non-party to an action may be enforced by the same processes [process?] [as?] for enforcing any party's obedience to an [the?] order.

Each winner may choose either *Seeing Through Legalese: More Essays on Plain Language* or (for any kids in their life) my new picture book, *Mr. Mouthful Learns His Lesson*. I offer that second one with a smile.

Watch for a new contest next month.