

A Time of Transition: Logical Links to Move the Reader Forward

By Maureen B. Collins

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To paraphrase, “Yes We Can (make a smooth transition in the written word without resorting to tired clichés and legalese)”! As our newly elected officials no doubt realize, effective transitions are a challenge—linking the old with the new, working efficiently and effectively, all the while keeping the vision of the future firmly in mind. There is a tendency to rely on techniques that have sufficed in the past, some more successful than others. As time slips away and pressure mounts, there is an overwhelming desire simply to fill the gap, regardless of the efficacy of the solution. And of course, there is the temptation to take the easy road and avoid the issue altogether (regardless of promises made earlier in the process). Humbly, I offer you hope for a smooth transition.

The transition creates a sense of logical continuity and that ever elusive “flow” that distinguishes excellent writing from the ordinary. A transition is the glue between two thoughts, the bridge between two concepts, the cream in between the two sides of an Oreo cookie that makes the whole thing work. An effective transition guides the reader, serving as a connection between ideas. The transition may also help the reader to anticipate the ideas that are about to be presented, offering a “signpost” of sorts. It can drive readers forward, establishing a foundation for that which is to come. Whatever the purpose, the transition provides the coherence, and perhaps even grace, that is otherwise absent in so much legal writing.

The Simplest Transitions

There are several points at which the need for a transition may arise: within a sentence, between sentences, between paragraphs, and when making the shift between one issue or argument and another. The timing of the transition may dictate its purpose. When a transition appears at the beginning of a sentence or paragraph, it may serve to introduce a new idea. If it appears between sentences, it often serves to identify a relationship between the ideas. When a transition is placed near the end of a sentence or paragraph, it may be used to summarize or conclude on one point, while linking it to the next. Most basically, transitions can be divided into simple groups:¹ those that compare and contrast (similarly, conversely); those that identify time or sequence (subsequently, first); those that give an example or show an exception (for instance, yet); and those that introduce a new subject matter (The cause of action has three elements) or identify a causal relationship (initially, consequently). A transition can even help you concede a point gracefully (although, granted that). The simple chart on the following page offers some popular choices:

¹ For excellent and comprehensive lists of suitable transitions, see Bryan A. Garner, *Legal Writing in Plain English* 67 (2001) and Deborah E. Bouchoux, *Aspen Handbook for Legal Writers: A Practical Reference* 99 (2005). For online sources, check out The Purdue Online Writing Lab (OWL), Transitions and Transitional Devices, at <owl.english.purdue.edu/owl/resource/574/01> and the Regis University Writing Center page at <www.regis.edu/regis.asp?sctn=rcrcu&p1=ar&p2=wc>.

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Comparison	Sequence	Examples
Similarly, just as, like, by comparison	First (second, etc.) next, finally	For instance, in this case, in fact, specifically
Contrast	Relationship	Conclusion
However, conversely, in contrast, but, on the other hand, instead	Because, consequently, as a result, so ... then, thus, therefore	In sum, in brief, therefore, thus, accordingly
Time	Concession/Qualification	Addition
Immediately, subsequently,	Although, granted that, of course, occasionally, if	In addition, also, furthermore

The Trouble with Transitions

Poorly chosen transitions serve merely as placeholders for the correct word choice. They often represent a writer’s attempt to create a link between ideas for which the writer has not laid out any reasonable basis. At worst, they are an excuse to fill a page or to wallpaper over a shoddily constructed exposition or argument.

I say with some certainty that the times when “wherefore,” hence,” and “inasmuch as” represent the proper word choice are few and far between. Dated word choices such as these are often utilized in an attempt to make the writing seem more formal, more “lawyerly.” Egads, I say, enough with the holdovers from the 19th century. Suffice it to say, the same goes for language borrowed from ancient civilizations, as represented by the haphazard use of Latin terms (*ergo hoc* ...). If you wouldn’t speak the word in conversation or in an oral argument, you probably shouldn’t use it as a transition either.

“Transition abuse” can also be found when words are used to suggest a causal relationship that either doesn’t exist, or hasn’t been established. Simply saying “if the sun is shining, the defendant is guilty” doesn’t make it so. Nor can you say “there is a likelihood of confusion between the two marks because the two users know each other,” without some further explanation as to the relevance of the user’s social life. An even more common example

of this problem is the use of “also,” “and,” “as such,” and other “addition” transitions, which suggest a relationship between two concepts that simply doesn’t exist (Trademark infringement occurs when there is a likelihood of confusion between the two marks. In addition, registration in the *Federal Register* creates a presumption of validity.). A good transition cannot save faulty logic or poorly constructed analysis.

Although transitions can be extremely useful in creating a flow, they can also interrupt that flow or signal the onset of poor writing. I am not a fan of transitions designed to emphasize (obviously, certainly) or to clarify writing (in other words, as I mentioned earlier, as previously stated). These types of transitions are unnecessary when the original writing was well constructed. The reader should be able to remember the last time you stated a point, and you shouldn’t have to write it in other words if the first were well chosen. I admit, too, to a certain reticence when using transitions that purport to summarize or conclude. This, too, should be obvious without the use of “In summary,” and “In conclusion,” if for no other reason than the physical location of the comments at the end of a paragraph or a section or immediately following a well-placed subheading. Then there is the issue of transition fatigue. When words like “therefore” and “however” are repeated incessantly, they annoy rather than assist the reader. Remember that transitions can be “junk,”

too. Their use should be part of a critical review during the editing process to be certain that they fulfill their intended purpose rather than merely eat up ink.

A More Sophisticated Approach

Creating an effective transition may be a simple matter of adding a word at the beginning of a sentence. It can also take the form of a graphic format that identifies sequence and relationships, like the typical outline using Roman numerals to indicate the order and hierarchy of ideas. Sometimes, a simple “internal” heading at the beginning of the sentence signals the end of one idea and carries the reader into the next. There are, however, more sophisticated types of transitions that not only smooth out the flow but reinforce structural concepts. These types of transitions can make an analysis more obvious and an argument more persuasive. Bryan Garner refers to the use of “echo links.”² An echo link occurs when words or phrases mentioned in one sentence “reverberate” in another. Others refer to this process as “dovetailing.”³ Essentially, in these instances the transition occurs when a point made in one sentence or paragraph is referenced in another. The author can use a similar word or phrase, or repeat a concept. Highlighting information in this way underscores the relationship between the ideas and establishes an obvious progression for the reader.

If, for example, you use the term “privileged publication” to establish a defense to defamation, consider how you can emphasize that defense by using the word “privileged” or some derivation of it, in subsequent sentences. This underscores the point much more effectively than using a clunky transition like “as stated earlier.” Similarly, if you begin an analysis by identifying a three-factor test, using the numerical references helps to establish order and signal the completion of a multipart concept. Adding a conclusion that refers again to the three-factor test reinforces this tactic.

Smooth transitions are essential to the flow of good government and good writing. Writers and politicians should seek to educate themselves on this subject matter, find ways to create relationships between existing resources to maximize efficiency, and avoid the wasteful use of precious resources. If both groups follow these simple maxims, we are sure to see smooth transitions ahead.

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² Garner, *Legal Writing in Plain English* 67–71. The text also provides useful illustrations and exercises.

³ Laurel Currie Oates & Anne Enquist, *The Legal Writing Handbook* 608–612 (4th ed. 2006); Terri LeClercq, *A Guide to Legal Writing Style* 16 (4th ed. 2007); The Purdue Online Writing Lab (OWL), Transitions and Transitional Devices, at <owl.english.purdue.edu/owl/resource/574/01>.