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Rachel H. Smith

St. John's University School of Law

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The Unparalleled Benefits of Teaching Parallelism



Rachel Smith
Assistant Professor of Legal Writing,
St. John's University School of Law

As a student, I never learned how to use parallel structure, or “parallelism,” as a writing technique. I didn’t even know the official term until I started teaching legal writing. But even if I couldn’t name it, I always knew I liked it. As a high-school history student, I felt its force in speeches like Abraham Lincoln’s *Gettysburg Address*, William Jennings Bryan’s *Cross of Gold*, and Martin Luther King Jr.’s *I Have a Dream*. Parallelism always felt to me like the place where poetry meets prose—where even the most mundane writing can start to sing.

But as a legal writing professor, although I have taught my students to use parallel structure, I only did it here and there. It would come up when we covered how to write a classic Question Presented for an office memo. It would come up when we worked with a list of factors that had to be presented in a numbered list. It would come up when we reviewed the proper grammar for correlative conjunctions, like both/and, either/or, and neither/nor. And it would come up when we discussed rhetorical techniques that could add persuasive oomph to an Introduction or a Statement of Facts.

But this year, for the first time, I decided to go “all in” on parallelism. Here’s why: each year that I have taught legal writing, I have become more frustrated that so often the best writer on the first day of my class is the best writer on the last day of my class—two semesters later. The gap between the students who come in with some natural or well-trained sense of writing mechanics and style and the students who don’t is just too big to close completely in the first-year legal writing course.

But that doesn’t mean we shouldn’t try.

And when I thought about how to close that gap, the most appealing interventions were those that offered real bang for the buck. I wanted to focus on

techniques that would pay off quickly and could be applied widely.¹ Parallelism is perfect for this. You can use it almost anywhere, and once you get it, you get it—although your level of skill certainly improves with practice.

So in the fourth week of the fall semester, after my students had submitted their first memo assignment, I set aside an entire class for just parallelism. And it worked; it really worked. This could work for you, too, so let me describe what I did.

First, I started with the definition. Parallelism is the use of components that are “grammatically the same; or similar in their construction, sound, meaning, or meter.”² Then, I proposed a process to create parallel structure: (1) identify a pair or series of components, (2) make them as grammatically or rhetorically similar as possible, and (3) read them aloud to test.³

We then moved on to some obvious examples: silly sentences on slides where the lack of parallelism was almost painful, like the following:

- She spent time researching legal questions, reading judicial opinions, and with her cat.
- The court considered three factors: (1) the statute’s plain language, (2) interpretations by agencies with expertise, and (3) legislative history.

We used the three-step process to revise the sentences:

- She spent time researching legal questions, reading judicial opinions, and relaxing with her cat.
- The court considered three factors: (1) plain language, (2) agency interpretations, and (3) legislative history.

Next, we read the Gettysburg Address.⁴ I really love the Gettysburg Address. And the students love it, too. Some—although this number gets smaller every year—were required to memorize it as children. A handful have never seen it. But the vast majority of my students have at least read it, and in this setting, they greeted it like an old friend. After weeks of law school’s steep learning curve, they were palpably glad to see something in law school that was familiar.

There are so many ways to use the Gettysburg Address in a legal writing course. But I just handed it out and asked my students to find every use of parallel structure. The hands shot up so quickly. The

students couldn’t wait to share their finds, including the following:

- Now we are engaged in a great civil war, testing whether that nation, or any nation **so conceived**, and **so dedicated**, can long endure.
- But, in a larger sense, **we cannot dedicate, we cannot consecrate—we cannot hallow—** this ground.
- The world will **little note**, nor **long remember what we say here**, but it can never forget **what they did here**.
- and that government **of the people, by the people, for the people**, shall not perish from the earth.

After the Gettysburg Address, I handed out a few legal writing examples. My favorites are by Elena Kagan: one a brief she wrote as Solicitor General, and the other an opinion she wrote for the Supreme Court. In the brief from *United States v. Stevens*,⁵ she argued that 18 U.S.C. § 48, which prohibited the creation, sale, or possession of certain depictions of animal cruelty, did not violate the First Amendment. The students looked at this passage:

In any event, Section 48 would survive strict judicial scrutiny in a substantial number of its applications. As discussed above, three principal interests support Section 48. **First, the government has an interest in reinforcing** the prohibitions of animal cruelty in state and federal law by removing a financial incentive to engage in that egregious, illegal conduct. **Second, the government has an interest in preventing** the additional criminal conduct that is associated with the torture and mutilation of animals underlying the production and distribution of those materials. **Third, the government has an interest in protecting** public mores from the corrosively anti-social effects of this brutality. For the reasons stated, these interests are compelling.⁶

The students were able to see the parallelism here, and how it organizes the paragraph. The parallel structure of the sentences—each beginning with an ordinal adverb and then describing the government’s interest with identical language—guides the reader through the three listed arguments. The students were effusive in praising how the parallel structure made the paragraph’s structure and substance clear to the reader.

Before moving on to the next Kagan example, I gave the students a paragraph from a student memo from a previous year in which the writer, like Justice Kagan in her brief, had made three arguments in the same paragraph. I asked the students to use the parallelism technique from the *United States v. Stevens* brief to re-organize the paragraph. The students then compared the paragraphs from before and after the revision. They appreciated the way the use of parallel structure highlights the purpose and substance of the paragraph.

We then looked at Justice Kagan’s opinion for the Court in *Miller v. Alabama*.⁷ In that case, the Court held that the practice of sentencing juvenile defendants to life in prison without the possibility of parole is unconstitutional.⁸ In particular, we looked at the following two passages:

- Under these schemes, every juvenile will receive the same sentence as every other—the **17-year-old** and **the 14-year-old, the shooter and the accomplice, the child from a stable household and the child from a chaotic and abusive one.**⁹
- **It prevents** taking into account the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how **brutal** or **dysfunctional**. **It neglects** the circumstances of the homicide offense, including the extent of his participation in the conduct and the way familial and peer pressures may have affected him. Indeed, **it ignores** that he might have been charged and convicted of a lesser offense if not for incompetencies associated with youth—for example, **his inability to deal** with police officers or prosecutors (including on a plea agreement) or **his incapacity to assist** his own attorneys.¹⁰

The students appreciated the persuasive force of this parallelism in these examples. And they were able to see how once a writer has set up parallel structure, the choice to disrupt the parallelism can be forceful, too. For example, the students discussed how the additional adjective at the end of the first example, “abusive,” makes it stand out to the reader, who has grown used to the parallel pairs in the list. The parallelism of the other components makes the reader expect that in the last pair, there will similarly be a single adjective before “household.” But Justice Kagan instead breaks the parallel structure to emphasize that the opposite of a stable household isn’t just a chaotic one, but a chaotic “and abusive” one—a meaningful writing choice in a

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case involving a juvenile defendant who had been raised in just such a chaotic and abusive household.¹¹

Last, I asked the students to look at their own first writing assignment of the semester, a one-issue CREAC analysis, and find a place where they could have used parallelism. The students were eager to do this, having been convinced of the technique’s power through the examples they had spent the class analyzing.

I hesitate to declare that a class early in the first semester devoted solely to parallelism is a cure-all. We all know that there aren’t really miracles in legal writing. We all know that learning legal writing is the accretion of skills through practice and repetition, and I certainly saw some painfully clunky parallelism efforts in the assignments submitted after the stand-alone parallelism class. But even those inelegant attempts were encouraging. In past years, only the strongest writers used parallel construction regularly in their writing. But after the parallelism class, everyone used it. Even the students who struggled the most and received the lowest scores used parallelism in their documents. The class had convinced them that parallelism was a technique worth practicing.

Light-bulb moments do happen sometimes in legal writing. And I think that this parallelism class may have lit more bulbs than anything else I have done this year.

I love Annie Dillard’s well-known line from *The Writing Life*: “How we spend our days is, of course, how we spend our lives.” In addition to its lovely parallelism, that quote is a valuable reminder to spend our time on the things that matter. I think that applies as much to class time as it does to anything else. I want to spend my class time on the things that matter. And parallelism, a technique that can sometimes immediately make writing better, is one of those things.

NOTES

1. Indeed, Ross Guberman has identified the proper use of parallelism with complex correlative conjunctions as a skill worth mastering because it is “highly correlated with broader measures of writing ability.” Ross Guberman, *Six Rules You Should Master—And I Can Prove It!*, Legal Writing Pro: “The Science of Great Writing,” (Feb. 24, 2015), <https://www.legalwritingpro.com/blog/six-rules-you-should-master-and-i-can-prove-it/>.
2. *Definition of Parallelism*, Literary Devices: Definition and Examples of Literary Terms, <https://literarydevices.net/parallelism/> (last visited Dec. 1, 2018).
3. See Jill Barton & Rachel H. Smith, *THE HANDBOOK FOR THE NEW LEGAL WRITER* 142-43 (2d ed. 2019); Laurel Currie Oates & Anne Enquist, *THE LEGAL WRITING HANDBOOK* 642-47 (5th ed. 2010).
4. *The Gettysburg Address: Transcript of Cornell University’s Copy*, Cornell University Library (emphasis added to show parallelism), http://rmc.library.cornell.edu/gettysburg/good_cause/transcript.htm (last visited Dec. 1, 2018).
5. Brief for United States, *United States v. Stevens*, 559 U.S. 460 (2010) (No. 08-769), 2009 WL 1615365 (emphasis added to show parallelism).
6. *Id.* at *43 (citations omitted).
7. *Miller v. Alabama*, 567 U.S. 460 (2012).
8. *Id.* at 465.
9. *Id.* at 476-77.
10. *Id.* at 477-78.
11. *Id.* at 478-79 (“Miller’s stepfather physically abused him; his alcoholic and drug-addicted mother neglected him; he had been in and out of foster care as a result; and he had tried to kill himself four times, the first when he should have been in kindergarten.”); see also Ross Guberman, *Five Ways to Write Like Elena Kagan*, Legal Writing Pro: “The Science of Great Writing,” (Mar. 20, 2018), <https://www.legalwritingpro.com/blog/five-ways-write-like-justice-kagan/> (noting Justice Kagan’s effective use of “internal repetition and parallel structure” in the majority opinion in *Fry v. Napoleon Cmty. Schs.*, 137 S. Ct. 743 (2017)).
12. Annie Dillard, *THE WRITING LIFE* 32 (1st ed. 1989).