

Headings and Umbrella Sections

Headings and umbrella sections help provide a roadmap for your legal writing. A reader should be able to understand your basic argument or analysis by reading your headings and subheadings. Umbrella sections similarly orient the reader by providing a brief overview of each section and the subissues that section will cover.

Think of umbrella sections as brief summaries—a few paragraphs at most—and headings as one sentence takeaways.

1. Headings

- Headings and subheadings should be brief—no more than one sentence.
- Each heading or subheading should provide the reader with the main argument, conclusion, or point from that section or subsection.
- In general, main headings should be formatted as I, II, III, etc. Subheadings should then be formatted as A, B, C, etc; then 1, 2, 3, etc.
- Be consistent with your formatting. If you format one main heading in bold and all caps, do the same for the other main headings. Use a different formatting style for subheadings.

Example:

I. PURSUANT TO NEPA, THE AGENCY MUST PREPARE AN ENVIRONMENTAL IMPACT STATEMENT.

[Umbrella section for Section 1]

A. The Proposed Project is a Major Federal Action.

[Substance of Section I.A]

B. The Proposed Project will Significantly Affect the Environment.

[Umbrella Section for Section I.B]

1. Construction of the proposed project will destroy federally-protected wetlands.

[Substance of subsection I.B.1]

2. Runoff from the proposed project will degrade nearby water quality.

[Substance of subsection I.B.2]

II. THE ENVIRONMENTAL IMPACT STATEMENT MUST INCLUDE CONSIDERATION OF A RANGE OF ALTERNATIVES TO THE PROPOSED PROJECT.

2. Umbrella Sections

- Umbrella sections help provide a roadmap for your reader. They should contain the overall issue/conclusion of the section, the subissues that will be addressed, and any controlling legal authority that applies to *all* subissues.
- Umbrella sections should be brief; only one or two paragraphs.
- Use umbrella sections whenever you have broken a larger section into subissues. The umbrella section should come right after the heading for the larger section.

Example:

I. PURSUANT TO NEPA, THE AGENCY MUST PREPARE AN ENVIRONMENTAL IMPACT STATEMENT.

In accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.* (2018), the agency must prepare an environmental impact statement (EIS) for the proposed project. NEPA mandates the preparation of an EIS if a major federal action “significantly affect[s]” the environment. *Id.* § 4332(2)(C). Given that the proposed project is 1) a major federal action and 2) will significantly affect the environment by destroying wetlands and degrading water quality, an EIS is required.

A. The Proposed Project is a Major Federal Action.

[Substance of Section I.A]

B. The Proposed Project will Significantly Affect the Environment.

The proposed project also meets NEPA requirements for an EIS because it will significantly affect the environment. First, project construction will destroy federally-protected wetlands on and adjacent to the project site. Second, once constructed, the proposed project will cause an increase in polluted stormwater runoff that will degrade the water quality of nearby waterways.

An agency must prepare an EIS for any “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). The human environment includes the “natural and physical environment,” 40 C.F.R. § 1508.1(m), and an EIS must address direct, indirect, and cumulative effects. *Id.* § 1508.1(g).

1. Construction of the proposed project will destroy federally-protected wetlands.

[Substance of subsection I.B.1]

2. Runoff from the proposed project will degrade nearby water quality.

[Substance of subsection I.B.2]

II. THE ENVIRONMENTAL IMPACT STATEMENT MUST INCLUDE CONSIDERATION OF A RANGE OF ALTERNATIVES TO THE PROPOSED PROJECT.