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Teach Document Coherence**

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It's a Small World: Using the Classic Disney Ride to Teach Document Coherence

By Michael J. Higdon

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For new legal writers, one of the biggest initial challenges is simply learning all the different “pieces” that comprise a legal document. Thus, most legal writing educators spend a lot of time at the beginning of that first semester covering the legal paradigm (such as IRAC or CREAC) and its component parts, which typically include rule statements, rule explanation paragraphs, rule application paragraphs, and conclusions. As the semester progresses, however, a new challenge emerges. Specifically, while most students come to understand the parts of the paradigm and the order in which those parts are arranged, their writing nonetheless lacks cohesion. Instead, the students write in a very choppy manner in which the component parts, like rule statements and rule explanation paragraphs, seem arbitrarily stuck next to one another instead of flowing logically from one to the other.

As most of us know, the key concepts behind document cohesion are (1) logical organization and (2) transitions. For many students, however, simply hearing about these two concepts fails to inform them of what we really mean or how the students should go about implementing them. Thus, one of the techniques I have used to help explain document cohesion is to draw an analogy to the Disneyland ride “It’s a Small World” (IASW). For those of you who have never experienced IASW, visitors take a leisurely boat ride during which they are treated to a collection of animated dolls, representing the children of the world, each singing the song “It’s a Small World” in their native tongue. In making this analogy, I have put together a PowerPoint presentation that takes students on a virtual tour of IASW in which I illustrate how the

design elements of that ride are very similar to the design elements that would go into an effective legal document. What follows are the key teaching points relating to document cohesion that I bring up during this virtual tour.¹

Why the Analogy to a Theme-Park Ride

As an initial matter, I like to remind my students that IASW, like every ride in every amusement park in the world, did not simply spring into being. Instead, it was thoughtfully and carefully designed. Furthermore, the designers did not simply sketch out the ride in a few minutes and then immediately begin construction. Instead, Walt Disney and the rest of the individuals who designed Disneyland likely spent hundreds of hours developing IASW. I ask my students to picture the initial meeting where someone pitched the idea, the countless meetings that likely went into hammering out the exact content of the ride, the numerous sketches of what the dolls in the ride would look like, and the various discussions over how those items would be organized.

The reason I ask the students to think about all of this preliminary planning is to underscore one of the basic themes of all my legal writing classes: effective legal writing requires critical thinking. As I tell my students, when we write, we do not sit down and just start pounding on the keyboard hoping that something decent comes out. Instead, we plan, we revise, and we question our choices. And, throughout all that, we ask very tough questions about what “works” in the document; we answer those questions by drawing upon our various skills as writers (a skill set that hopefully expands as the semester progresses). So, just as

“As I tell my students, when we write, we do not sit down and just start pounding on the keyboard hoping that something decent comes out.”

¹ I am also happy to provide a copy of the PowerPoint presentation to anyone who is interested. Simply e-mail the author at michael.higdon@unlv.edu.

“One of the reasons I enjoy using the IASW analogy to teach document cohesion is that the design of the ride does an excellent job of illustrating logical organization.”

Walt Disney was very critical about how he built IASW, so too must students be critical in how they design and construct their papers.

Why Cohesion Is Important

As the virtual ride begins, I ask the students to take note of the fact that visitors to Disneyland experience IASW by sitting in a boat; however, they need not row the boat. Instead, the boat moves quite nicely by itself. Continuing the theme I raised earlier about the design decisions that Walt Disney made, I ask them why Disney did not design the ride such that visitors had to row the boat. Of course, students immediately point out that many would not enjoy having to row the boat and, more importantly, it would have distracted them from what was going on around them. Based on their response, I ask the students to draw an analogy to how one designs a legal document.

The answer, of course, is that our “visitors” (i.e., legal readers) are primarily interested in the substance of our document and do not want to have to work too hard to get that substance. Furthermore, as I remind the students, this point is especially true of legal readers, who typically are extremely busy readers with little time to devote to any one document. Thus, we need to write our documents in such a way that our readers can move through them relatively quickly, without having to “row.”² Likewise, we need to construct our document so that the eyes of the reader, like the boat in IASW, can keep moving forward at a normal pace without having to stop and repeat a section to understand the writer’s meaning. As I tell my students, rarely will you hear a visitor during the IASW ride say, “Huh, I’m confused.”

The question then becomes how we achieve this cohesion. It is at this point in the virtual ride that I

introduce the concepts of logical organization and transitions.

Logical Organization

One of the reasons I enjoy using the IASW analogy to teach document cohesion is that the design of the ride does an excellent job of illustrating logical organization. In fact, it does so in two ways: first, the ride shows that logical organization involves moving from the general to the more specific; second, IASW illustrates that, when announcing to our audience that we are going to deal with a specific topic, we cannot deviate from that topic without first announcing our intention to deviate and then explaining the reason for the deviation.

General to Specific

The IASW ride has been around for a very long time and is known worldwide; thus, most visitors already know when they get on the ride what they are going to see: singing dolls from around the world. However, visitors soon learn that there is an organization to the dolls. For instance, the dolls are not randomly thrown together along the ride; instead, they are organized by continent. Thus, while in Europe, visitors see only those dolls that represent the countries of Europe, such as a doll from Spain dancing the flamenco.

As I explain this setup to my students, I ask them to pay attention to the logical progression of the ride. Overall, the ride is about the children of the world, yet the ride then changes its focus from the world to, more specifically, Europe and then, even more specifically, to Spain. In other words, we moved from the general (the planet) to the specific (a specific continent and then a specific country within that continent). I ask the students to imagine what the ride would be like if they simply mixed up all the children from the various continents with little justification to the order. They invariably respond that (1) the ride would be more confusing given that visitors would have to look at each doll and first try and figure out what continent and then what country the doll represents (as there would be no organization to provide context); and (2) the ride might become somewhat repetitive given that many of the dolls, even though they represent different

² Aside from helping me teach document cohesion, another benefit of this exercise is that it provides me some shorthand phrases I can use when critiquing papers. For example, after taking the virtual tour of IASW, I need only write “I’m having to row here!” on a student’s draft for the student to understand the problem I had with that portion of his paper.

countries, are dressed somewhat similarly (for example, dolls from Switzerland and Germany) and, if placed apart from one another, may cause the visitor to simply think the ride is repeating itself instead of presenting two separate countries.

For many students, this discussion starts to remind them of a similar one we had earlier in the semester about the legal paradigm. During that time, I explained to the students that the legal paradigm is not an arbitrary structure that legal writing professors invented, but is instead a breakdown of how the human brain logically digests a given problem. Part of that logic involves moving from the more general aspects of a problem to the more specific. For example, no human would logically be able to decide to eat dinner at Applebee's (a more specific focus) without first taking account, even if only for a nanosecond, of the fact that he is hungry, that he can even go out for dinner, or that Applebee's is an attractive option (all of which are more general points).

Bringing the discussion back to legal writing, I then review with students that legal writers need to follow a similar organization when creating legal documents. Thus, when writing about a problem that deals with negligence, a legal writer would first have to identify the rule for negligence before talking specifically about any one element of that cause of action. To talk about the element first (1) would fail to give the reader the necessary context to fully understand the writer's analysis and (2) would likely lead to some redundancy once the writer got around to talking about the overall rule.

Sticking to the Announced Topic

IASW also illustrates another aspect of logical organization: sticking to the announced topic. Building on the idea of moving from the general to the specific, I point out that, during the ride, the creators never stray from their announced topic. To illustrate, I use two photos from the ride itself. The first is a picture of three female dolls doing the cancan. I show the picture to the students and then ask what their reaction would be if they were to encounter those three dolls during the part of the ride that is set in Europe. The students usually

seem confused by the question and respond that they would have little reaction given that one typically associates the cancan with France, a country in Europe. Thus, the placement of those three dolls makes perfect sense.

I then show them the same photo, but in this picture, I have superimposed a singing Eskimo from another part of the ride. This time when I ask the students for their reaction if they were to encounter those dolls on the actual ride, they report that it would confuse them. One student even said that, at that point, she would probably want the boat to stop moving so she could look further at this confusing sight to try to "figure it out." Another student confessed that he would not only be confused by the inclusion of the Eskimo, but he would likely be distracted by it for some time, even as the ride moved on.

I find that these two photos and the resulting student comments provide a really nice analogy to the organization of legal documents. Specifically, after announcing to the reader that he is going to talk about a specific legal point, the legal writer needs to stick to that point. Throwing in something completely different not only slows down the reader, but could distract the reader so much that she is unable to really concentrate on the remainder of the document. Thus, as an example, when talking about "duty" in a negligence memo, the legal writer should stick to duty and not suddenly veer off into "breach" without first, via some transitional device, explaining to the reader why she is changing focus.³

Transitions

The second component of document coherence involves the effective use of transitions. Again, IASW serves as a great illustration. As an initial matter, throughout my virtual tour of IASW, I have included a few "signs" for the students. Now, due to the popularity of IASW and the fact that most

“Building on the idea of moving from the general to the specific, I point out that, during the ride, the creators never stray from their announced topic.”

³ Once again, my virtual tour provides a great shorthand comment to write on the draft of a student who has strayed off course. I simply write, "Eskimo!"

“Transitions make it easier for the legal reader’s eyes, just like the boat in IASW, to keep moving at a steady pace.”

visitors already know what to expect, most of these signs do not exist in the actual ride. However, I have created and included these signs to teach the students the importance of guideposts and transitions when communicating information to a new reader. The first such sign that comes up in the PowerPoint is one that begins the virtual tour. This sign says “Let’s Visit the Children of the World! First Stop: Europe.” I ask the students why Walt Disney might have decided to include such a sign. The answer, of course, is that it provides an overview of what the ride is about and also tells visitors at what discrete point the ride is going to begin. In drawing an analogy to legal writing, this sign then functions much like an umbrella paragraph that informs the reader of the overall rule and the order the writer is going to explore that rule’s elements.

The point I want to focus on with this example, however, is why the visitor to the ride needs to know *ahead of time* that the ride will begin in Europe. After all, once the visitor rounds the corner into the first room of the ride, he’s going to look around and see representations of things like the Eiffel Tower and Big Ben and likely figure out that he is in Europe. So why not just let that happen? The reason is that, during those moments when the visitor is looking around and figuring out where the ride begins, he is distracted from the specifics of his surroundings. Thus, while orienting himself and making the determination that he is in Europe, the visitor may miss the cancan girls. In other words, by telling the visitor (before he even gets there) that he is going to start off in Europe, the creators of the ride minimized the likelihood of distraction and uncertainty during those first few moments. Likewise, at the end of Europe, a sign that says “Let’s Now Visit the Land Down Under” would serve the same purpose. Without this heads-up, many riders (if they had any control over the boat) would likely need to stop the boat for a few moments during their initial exposure to the new room to figure out what is going on.

As I then explain to the students, legal writers need to include transitional words and phrases throughout their papers for the exact same reason. Transitions make it easier for the legal reader’s eyes, just like the boat in IASW, to keep moving at a steady pace. As I tell the class, it is perfectly all right for a legal reader to want to stop reading and reread something for enjoyment purposes. What is not all right, however, is when a legal reader *is forced* to stop reading and reread to understand the substance of the new idea. Lack of transitions makes it more likely that a reader will have to reread portions of a legal document since, without a transition, the legal reader will first have to read to orient herself to the nature of the new topic and then reread for substance. Thus, by telling the reader beforehand what topic you’re moving on to and how it relates to the previous topic, you greatly reduce the likelihood that the reader will have to read something twice to simply digest it.

At the end of the virtual tour of IASW, I show students a photograph of happy visitors sitting through the actual IASW ride at Disneyland. I ask the students to tell me what they think those folks would have to say about the ride immediately after the ride is over. Responses typically include such things as “that was a lot of fun” and “let’s do it again!” Here, in drawing an analogy to legal writing, I must begrudgingly confess to my students that the legal reader will rarely want to reread their document for fun. Nonetheless, just as cohesive elements can make IASW a more enjoyable ride, so too can those same cohesive elements make their documents a more enjoyable read to the legal reader.

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