

Document Competency: What Every Legal Professional Should Know for Effective & Efficient Drafting in Word

Modules from A Discussion of Document-Creation Workflows and Best Practices Guide



MODULE FOR STAGE 1: Planning, Structure, and Organization

The most effective documents are well-considered documents. Research on business communication shows that the most successful writers spend about 40% of their time planning and outlining before they write. When a drafter first considers their goals and the best method to present the information to accomplish those goals, their reader gets the most value from the message.

Assuming a Microsoft Word document is the best way to deliver the information, the drafter should establish a framework for the document to give it a cohesive look, visual structure, and provide dynamic online navigability. An outline can provide structure and logic for the document and ensure that no key arguments or clauses are missed.

When the drafter neglects to create an outline at the outset, Microsoft's smart formatting will apply automatically to anything the drafter creates that seems like it could be an outline. This causes legal professionals to unnecessarily struggle against Microsoft's smart formatting.

Resisting automatic formatting and outlining can lead to a disjointed and confusing document that is difficult to navigate both on screen and on paper.

If this document will be submitted to a court, confirming, and applying required formatting will be essential. If this document will be used in a transaction, referring to specific paragraphs and provisions with linked cross-references will provide flexibility and maintain accuracy while the deal and its documentation evolve.

The drafter should establish a framework for the document to give it a cohesive look, visual structure, and provide dynamic online navigability

Tasks You Should Expect to Perform During Stage 1

- Considering the purpose of the document and visualizing how the information should be provided, how the information will be consumed, and how the information will be used
- Considering and choosing the best tool to communicate and deliver the information: Microsoft Word document, Microsoft Excel spreadsheet, Microsoft PowerPoint slideshow, PDF, HTML page, or screencast/video
- Visualizing and understanding the format and structure of the document
- Organizing, grouping, or segmenting to delineate its logical connections or flow
- Changing or setting default fonts
- Changing or setting default margins, orientation, and paper size
- Setting headers, footers, and pagination
- Creating an outline and applying consistent automatic numbering
- Applying Styles within the outline to make document navigable and allow hiding subparts
- Inserting and linking cross-references to provisions in a contract
- Inserting and linking bookmarks for other items in a document (tables, pictures, paragraphs, etc.)

Important Initial Tasks to Consider

| Task | Key Question to Consider |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Choosing the best tool to communicate and deliver information | Consider your intended audience, the level of detail needed, and the amount of information to be conveyed. |
| Understanding the visual needs of the document | Can some of the information be better conveyed using a visual or an infographic, list, or outline? |
| Choosing how to organize the information in the document | Is this document more casual or formal in nature? |

Here's How You Can Take It to The Next Level

These tasks are far easier and more efficient if done while initially creating your document and developing its content.

Creating an outline should be part of creating a document. The drafter should be outlining the structure of the document in advance, whether it is a brief or contract. This ensures a logically coherent document and that no key arguments or clauses are missed.

The drafter should be familiar with any court requirements or house styles. If not, the drafter may need to research and understand exactly what is needed.

Outlining ensures a logically coherent document and that no key arguments or clauses are missed.

Effective Planning, Structure, and Organization Checklist

| Have you completed these planning, structure, and organizing tasks? | Here's How to Do It in Word | Work More Efficiently with These Professional-Level Tools |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Changed or set default fonts in Fonts section of Home tab <i>The Normal Style receives its baseline from here.</i> | How-To | <i>Resist Select All!</i> Instead: launch the Styles Task Pane , choose Manage Styles at the bottom of the panel, then click on the Set Defaults tab. Establish the document's defaults for font and point size here. |
| <input checked="" type="checkbox"/> Created an outline from Paragraph group in Home tab | How-To | Use a template where already in place, or use automation to add to existing documents: DocStyle ; DocXtools (Litera) ; Hyperstyles (BigHand) ; etc. |
| <input checked="" type="checkbox"/> Organized document into sections using Sections Breaks options in Layout tab | How-To | Template tools offer this through Page Numbered or Section creation tools, or it is incorporated when templates are used to create certain new documents. |

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Applied consistent outline numbering from Paragraph group in Home tab and checked your outline in Outline view from View tab | About Outlining | DocXtools (Litera) ; DocStyle ; CCC Macros (Crowther Macro Systems) ; Create (BigHand) ; BrochetPaste |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

NOTE: When surveyed, legal practitioners suggested that non-substantive document-creation tasks should take no more than 5 minutes per page. If you are spending more than 5 minutes per page, please consider technology training or trying a professional-level tool that will improve your efficiency and effectiveness.

Putting the Planning, Structure, and Organization Tasks in Context



About the Effectiveness Project

This module is an excerpt from a comprehensive working paper by the Effectiveness Project team. The Effectiveness Project is an ongoing collaboration of legal professionals that seeks to provide a clear framework for document creation through identifying best practices, suggesting baseline skills, and offering curated how-to resources. The group was formed in March 2020 and released its working paper in August 2021.

The team is led by Ivy B. Grey, former practicing lawyer and Vice President of Strategy & Business Development for WordRake and Tony Gerdes, Director of Knowledge and Innovation at Offit Kurman, P.A., and Contributing Member of LTC4™ (Legal Technology Core Competencies Certification Coalition). The group also includes Rachel Baiden, Global Technology Training Manager, Squire Patton Boggs; Adrian Bailey, Chief Architect, DocStyle, LLC; Chris Cangero, Chief Executive Officer, DocStyle, LLC; Dave DiCicco, Senior Director of Product Management, LexisNexis; Florentina Field, Co-Founder of Prelimine, Litigation Attorney; Jacob Field, Co-Founder of Prelimine; Sherry Kappel, Evangelist, Litera; Colin Levy, LegalTech Evangelist and Blogger; and Dyane L. O’Leary, Associate Professor of Legal Writing and Director, Legal Innovation & Technology Concentration, Suffolk University Law School. The Effectiveness Project also received contributions from Alma Asay, Founder, Allegory; James Gillis, Estates and Trusts Attorney, Offit Kurman, P.A.; and Douglas Lusk, Founder, National Society for Legal Technology.

Resources to Learn More About the Need for Document Competency

| General Introduction:

1. [The Lawyer's Guide to Microsoft Word 2013](#) by Ben M. Schorr

2. [Microsoft Word for Lawyers](#) by the Lawyerist
3. [Formatting Legal Documents with Microsoft Word 2016](#) by Jan Berinstein, Ph.D.
4. [Wildcard Cookbook for Microsoft Word](#) by Jack Lyon
5. [Macro Cookbook for Microsoft Word](#) by Jack Lyon
6. [Microsoft Word For Legal Practitioners](#) by Monica Korf

| Comprehensive:

1. Eugene Volokh, *Chief Justice Robots*, 68 Duke L.J. 1135 (2019) (discussing the roles for AI in legal practice, including writing briefs).
2. Ivy Grey, *Ethical Duty of Technology Competence: What Lawyers Need to Know* (Aug. 2020) available for download at https://www.wordrake.com/tech_competence
3. Heidi Frostestad Kuehl, *Technologically Competent: Ethical Practice for 21st Century Lawyering*, 10 Case W. Res. J.L. Tech. & Internet 1 (2019).
4. E-Book: *The Lawyer's Guide to MS Word Training and Resources*, Intelligent Editing June 22, 2019), <https://legal.intelligentediting.com/blog/free-e-book-the-lawyers-guide-to-ms-word-training-and-resources/>
5. "Smart" Lawyering: Integrating the Duty of Technology Competency into the Legal Writing Curriculum, 19 U.N.H. Law Rev. 197 (2021) (Section IV(A)) available at <http://ssrn.com/abstract=3671632>.