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 3:
Creating Content and Delivering Information

Content is the heart of any legal document. Creating content is highly individualized—no two people will approach it the same way. However, readers have the same demands of every document: *deliver the necessary information in a readable and logical manner*. Placing the reader's needs first guides best practices for legal document creation. A reader needs a readable, digestible document with obvious structure and logic that employs typographical elements such as headings, bullets, tables, charts, and graphics to organize and deliver complex information. And while the reader requires reference to legal authority, the reader is more concerned with what the authority means and how it is used rather than the mechanics and formatting. A successful legal writer will divide their efforts accordingly.

Legal documents are inherently complex documents because the content itself is complex. Therefore, readers need more headings, more bullets, shorter sentences, and shorter words if they are to understand the information provided then make deductions or draw conclusions from it. Building on an outline structure and applying Styles allows the drafter to use the Navigation Pane, which enables the drafter to manage an overwhelming amount of text by hiding it. It also allows the drafter to comfortably re-order text without introducing errors. These structures that help a writer stay focused when creating the document will also help the reader as they view the document.

> *The Navigation Pane enables the drafter to manage an overwhelming amount of text by hiding it.*

In addition to clear structure, a document that doesn't feel like writing—it feels more like a spoken conversation—will be more effective. To capture that natural feel, writers must minimize anything that interrupts the process of putting words in a document. Clicking out of the document for reference material, tinkering with inserting symbols, struggling with inserting or moving text, looking up and applying citation formatting, and typing out long legally significant phrases are all activities that can distract the writer from the thoughtful application of law to fact and analysis. But all is not lost; a writer with basic technology competence in Microsoft Word can manage these activities that interrupt content creation. By drafting in the Microsoft ecosystem, content creation becomes both straightforward and flexible, while also providing robust functionality that can be further enhanced by Microsoft add-ins.

Another benefit of drafting in the Microsoft ecosystem is that it can also help rein in the overemphasis on the mechanics of citation. Because of the importance, frequency, and placement of cites in the body of the text, legal writers will spend most of their time attending to citation rather than argumentation and synthesis, which can lead to a weak document with poor flow and little structure organization. To craft an effective document, the writer cannot get stuck in the

research, support, analysis, and argument stage and leave too little time for crafting content and designing a document where the reader will receive the intended message.

Once a writer finally does start, they will often get distracted when they try to use the information they've gathered. This disrupts the drafting flow and drags out the process for the writer, which, in turn, leads to a document that feels equally laborious for the reader. To break the tendency to overwhelm writing through habitually stopping to manage cites to caselaw or draw from clause banks and precedent documents, writers must learn that these resources are merely the foundation upon which the writer must construct the building. Using Microsoft add-ins to apply or conform formatting after drafting can help.

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When a writer gets bogged down in the mechanics of the writing tasks and forgets to focus on meaning, the result is a document that is not fit for its purpose. The writer and the reader may both look at the same words, but their experience with those words and their relation to them is at odds. An effective writing process will reinforce the connection between the two.

Tasks You Should Expect to Perform During Stage 3

- Reviewing legal authority and integrating properly formatted citation
- Using list forms/bullets/tables/graphics to give information as appropriate
- Creating/moving/formatting footnotes or end notes
- Knowing how to copy/cut and paste including whether to merge formatting or not
- Using shortcut keystrokes for common symbols
- Creating a Table of Authorities
- Creating a Table of Contents
- Formatting block quotes
- Editing/setting different Styles throughout document
- Using voice-to-text transcription to draft substance when helpful

Content-Creation Tasks You Should Expect to Perform During Stage 3

- Making legal phrases consistent
- Inserting and updating cross-references
- Changing case/formatting
- Checking words in all caps
- Using autocorrect and custom dictionaries
- Editing for clarity, brevity, and length
- Proofreading and spellchecking, including checking words in all caps
- Consistency checking, including capitalization of defined terms and use of the Oxford comma

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

Automated aspects of creating content in a legal document can improve efficiency. A good lawyer knows how to shortcut commonly used words or symbols (such as the section symbol, for example) using keystroke shortcuts or

autocomplete with abbreviations or copy and paste large portions of text in the correct format during the drafting process. A drafter who uses Styles properly can quickly create a Table of Contents or Table of Authorities, which can and should be done in seconds instead of manually created and reviewed as a legal document gets created.

In modern lawyering, when many readers review documents electronically, the visual appeal of a document can be crucial to its effectiveness. Typography tools such as bullet point lists and graphics and tables can increase the persuasiveness and clarity of a legal document when done correctly. A lawyer must also recognize the formatting requirements for the jurisdiction receiving the document and efficiently integrate them, such as using italics or underlined text, or whether to hyperlink to a citation.

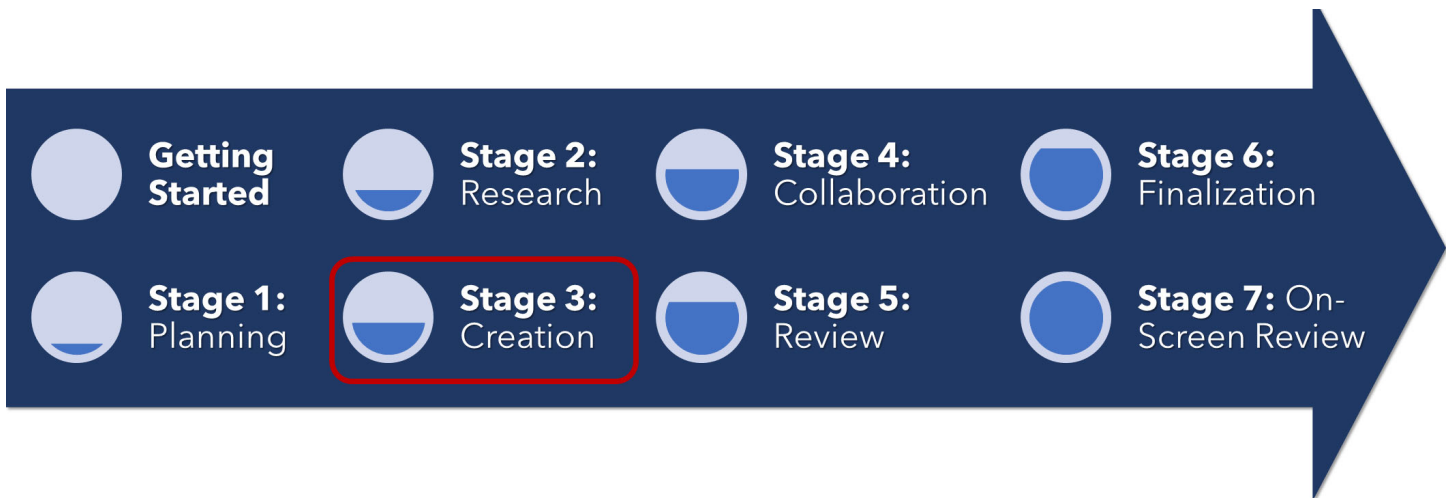*The visual appeal of a document can be crucial to its effectiveness.*

Lawyers should take advantage of transcription tools in the drafting process to save time and "get pen to paper" in the first instance. As lawyers increasingly deliver services on-the-go, voice-to-text services can be useful in recording summaries, content, arguments, strategy, etc. when typing isn't feasible or preferable.

Effective Content Creation Checklist

Have you completed these content creation and information delivery tasks?	Here's How to Do It in Word	Work More Efficiently with These Professional-Level Tools
☑ **Reviewed legal authority and integrated properly formatted citation** using Find-and-Replace with wildcards in Home tab	How-To	PerfectIt; LegalEase Citations; Lexis for Microsoft Office; Litigation Companion (Litera)
☑ **Used list forms/bullets/tables/graphics** to give information as appropriate from Tables group in Insert tab	How-To SmartArt or How-To Tables	Content Companion (Litera) inserts or blocks feature w/in most template packages
☑ **Created/moved/repaired and formatted footnotes or end notes** to conform to style guides using footnote functionality in References tab	How-To	DocStyle; DocXtools (Litera); some template packages include a macro to insert
☑ **Decided how you'll copy/cut and paste whether to merge formatting** or not using the expanded Paste functionality and in Clipboard group of Home tab	How-To	Hyperstyles (BigHand); Content Companion (Litera); LitKit (for transcripts and PDF text); some template automation tools offer this
☑ **Used shortcut keystrokes for common symbols**	How-To Shortcuts	PerfectIt; LitKit
☑ **Created Table of Authorities**, which includes cases, statutes, and other authorities cited using Table of Authorities feature in References tab	How-To	Best Authority (Litera); ezBriefs; Lexis for Microsoft Office
☑ **Created a Table of Contents** using Table of Contents feature in References tab	How-To	DocStyle; Lexis for Microsoft Office; Create (BigHand)

☑ **Formatted block quotes** by applying Styles from Home tab	How-To	Retrieve from stored content, templates; Content Companion (Litera)
☑ **Edited/set different Styles throughout document** by adjusting Styles from Home tab	How-To	DocStyle; DocXtools (Litera); Hyperstyles (BigHand); apply templates
☑ **Edited completed text to improve clarity, brevity, readability**, and style using spell- and grammar-checking in Proofing group of Review tab	How-To	WordRake; BriefCatch
☑ **Used voice-to-text transcription** to draft substance when helpful	How-To	Dragon for Legal Professionals; Digital Dictation (BigHand)
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 Content Creation Tasks in Context

Getting Started

Stage 1: Planning

Stage 2: Research

Stage 3: Creation

Stage 4: Collaboration

Stage 5: Review

Stage 6: Finalization

Stage 7: On-Screen Review

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 Prelime, Litigation Attorney; Jacob Field, Co-Founder of Prelime; 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.