

# 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

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## MODULE FOR STAGE 4: Collaborating with Reviewers and Authors

A legal document is rarely the product of a single author. Usually, a team of people contributes to create the initial document and yet another team provides feedback and commentary that the drafting team incorporates. To effectively create a single unified document, all contributors should use collaboration tools.

Properly using collaboration tools improves communication, reduces confusion, and gives the person responsible for the document more clarity and control over the process. An added benefit is that properly using collaboration tools helps drafters avoid inadvertently leaving comments and other confidential information in the text.

The two most frequent problems that arise during a friendly collaboration using hand mark-ups are: (a) inability to apply feedback because of illegible handwriting, and (b) comments made to an older version of a document. Drafters can avoid these issues by using electronic collaboration tools.

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Finally, understanding and properly using collaboration tools can play an important role when collaborating with stakeholders with conflicting goals. With Microsoft's built-in tools, a drafter can prevent further editing of a document or selected portions of the document and can uncover undisclosed document changes by creating a comparison document (often called "blacklining" or "redlining").

### Tasks You Should Expect to Perform During Stage 4

- Turning on, reviewing, accepting, rejecting, disabling Track Changes
- Displaying Simple Markup or All Markup
- Using, responding to, deleting, resolving, and hiding comment balloons
- Setting name or initials as user to identify author of changes; changing color of edits and comments from different contributors
- Saving and using consistent naming structure for new versions or use cloud-based document sharing platform
- Comparing documents/versions
- "Locking down" finished document and restricting editing
- Using digital ink to mark up document (supported on tablets, touch devices)
- Combining multiple authors' comments and markup
- Comparing documents of different file types (e.g., PDF to Microsoft Word)
- Reviewing documents side-by-side

### Collaboration-Related Tasks You Should Expect to Perform During Stage 4

- Visualizing and understanding the format and structure of the document

- Organizing, grouping, or segmenting to delineate its logical connections or flow
- Conforming, changing, or setting default fonts
- Conforming, changing, or setting default margins, orientation, and paper size
- Conforming, changing, or setting headers, footers, and pagination
- Conforming or 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.)

## Here’s How You Can Take It to The Next Level

Electronic collaboration is part of most legal workflows. Lawyers rarely work alone and need to use tools to ensure collaboration on legal documents is efficient and leads to improved work product. Whether using Microsoft Word or Google documents or another platform, lawyers should be comfortable with cloud-based collaboration and electronic “redlining.” When multiple versions are created, there is a risk for lost changes or confusion (leading to a potential ethical disaster if content is deleted or, worse yet, privileged information in the drafting process is inadvertently revealed). Lawyers must understand the version control policies and practices for their organization and the document management application they are using.

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### Effective Document Collaboration Checklist

Have you completed these collaboration tasks?	Here’s How to Do It in Word	Work More Efficiently with These Professional-Level Tools
<input checked="" type="checkbox"/> <b>Turned on, reviewed, accepted, rejected, and disabled Track Changes</b> using tools available in Review tab	<a href="#">How-To</a>	<a href="#">Compare (Litera)</a> ; <a href="#">NOVO Compare</a> ; <a href="#">compareDocs (DocsCorp)</a>
<input checked="" type="checkbox"/> <b>Reviewed changes using Simple Markup or All Markup</b> from Tracking group in Review tab	<a href="#">How-To</a>	<a href="#">Compare (Litera)</a> ; <a href="#">NOVO Compare</a> ; <a href="#">compareDocs (DocsCorp)</a>
<input checked="" type="checkbox"/> <b>Used or responded to comment balloons to provide feedback, or deleted, resolved, or hid comment balloons</b> from Comments group in Review tab	<a href="#">How-To</a>	Use collaborative authoring with modern commenting to minimize multiple versions of the document
<input checked="" type="checkbox"/> <b>Set name or initials to identify author of changes and/or changed color of edits</b> and comments from different contributors from personalization options from File tab, if needed	<a href="#">How-To Set Colors</a> , <a href="#">How-To Change Author Name</a> , and <a href="#">How-To Review Changes from Specific People</a>	Not applicable

<input checked="" type="checkbox"/> <b>Saved and used consistent named structure</b> for new versions or used cloud-based document shared platform	Organize and Name used Client Name, Matter Number, then amend V1, V2, V3, etc.	Use your document management system
<input checked="" type="checkbox"/> <b>Compared documents/versions of a document</b> to show unmarked changes from Compare group in Review tab	<a href="#">How-To</a> or use the Compare integration from your DMS provider	<a href="#">Compare (Litera)</a> ; <a href="#">NOVO Compare</a> ; <a href="#">compareDocs (DocsCorp)</a>
<input checked="" type="checkbox"/> <b>“Locked down” finished document and restricted editing</b> using Protect Document under File tab	<a href="#">How-To Protect w/a Password</a> ; <a href="#">How-To Restrict Edited</a>	Use <a href="#">Sensitivity Labels</a> in M365
<input checked="" type="checkbox"/> <b>Used digital ink to markup document</b> (supported on tablets, touch devices)	<a href="#">How-To</a>	Not applicable
<input checked="" type="checkbox"/> <b>Combined multiple authors’ comments and markup</b> from Compare group in Review tab	<a href="#">How-To</a>	Not applicable
<input checked="" type="checkbox"/> <b>Compared documents of different file types</b> (e.g., PDF to Microsoft Word)	Not applicable	<a href="#">Compare (Litera)</a> ; <a href="#">NOVO Compare</a> ; <a href="#">compareDocs (DocsCorp)</a>
<input checked="" type="checkbox"/> <b>Reviewed documents side-by-side</b> from Window group of View tab to visualize changes	<a href="#">How-To</a>	<a href="#">Compare (Litera)</a> ; <a href="#">NOVO Compare</a> ; <a href="#">compareDocs (DocsCorp)</a>
<input checked="" type="checkbox"/> <b>Shared form language to facilitate consistent use</b> throughout sections of document	Manually	<a href="#">LitKit</a>

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 Document Collaboration 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](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>.