

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 5: Reviewing the Document: Proofreading and Editing

Creating an effective legal document should be an iterative process, frequently shifting between drafting and review stages until the necessary content is present. But, once all content has been incorporated into the document, the writer's goal must shift from creating content to confirming the accuracy, consistency, presentation, and flow of content.

In law, a first draft of a document should never be the only draft of the document. All documents should be revised, edited, and proofread before they can be considered complete. Unfortunately, the review stage is often skipped entirely or performed in a cursory manner that overlooks errors and leads to confusion, litigation, malpractice, and other unwanted outcomes. Research from LexisNexis shows that 90% of legal documents still contain errors whether or not they were proofread.

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Many drafters either don't value the review process or they don't realize that most humans need electronic support to perform the task effectively and efficiently. And, still, people resist. That same LexisNexis study found that one-third of drafters skip proofreading entirely. To overcome the limitations of our human brains—and egos—all documents should go through a robust review stage.

While accuracy is the most important element of a legal document, it's difficult to ensure that accuracy in a time frame that makes sense when compared to crafting the substance of the document. This where electronic tools in the Microsoft ecosystem can add significant value.

If the drafter has used Styles, inserted cross-references, and marked citations during the content-creation stage, and managed citation accuracy and formatting during the research stage, then editing for readability, reviewing for consistency, and proofreading should be the remaining major tasks for the review stage. Each task can be accomplished in Microsoft Word and performed at a higher rate of accuracy than if done manually or on paper. With forethought and planning, legal professionals can customize preferences and apply uniform Styles from within the Microsoft ecosystem.

Tasks You Should Expect to Perform During Stage 5

- Applying proper formatting and Style to citations, including converting underlines to italics
- Converting standard spaces to non-breaking spaces in citations
- Converting full-length citations to *Id.* and short cites
- Creating, moving, and formatting footnotes or end notes

- Creating a Table of Authorities and marking citations
- Creating a Table of Contents
- Editing for clarity, brevity, and length
- Proofreading and spellchecking, including checking words in all caps
- Checking for consistency, including capitalization of defined terms and use of the Oxford comma
- Inserting, linking, and updating cross-references to provisions in a contract
- Using autocorrect and custom dictionaries
- Making legal phrases consistent

Structure-, Organization-, and Research-Related Tasks to Revisit During Stage 5

- Confirming or setting default fonts
- Confirming or setting default margins, orientation, and paper size
- Setting headers, footers, and pagination
- Formatting block quotes using Styles
- Setting or updating Styles throughout document
- Using autocorrect and custom dictionaries for consistency and efficiency

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

Legal documents should not contain errors. Courts have sanctioned lawyers who submit work with plentiful errors. Typos can even introduce risk and change meaning. Every drafter should use Microsoft Word's Built-In Spellcheck function first. A lawyer who does not use Microsoft Word's Built-In Spellcheck function is not technologically competent—so a lawyer should use built-in tools and consider additional software to improve the speed and accuracy of this task.

For subsequent rounds of editing, particularly for documents over five pages, lawyers should consider more sophisticated tools. Grammarly is available but isn't sophisticated and the consumer version introduces confidentiality problems. PerfectIt was created specifically for legal proofreading. WordRake and BriefCatch will provide some proofreading but are more geared toward editing.

For later rounds of editing, particularly for documents over five pages, lawyers should consider more sophisticated tools designed for legal work.

Changing text from lowercase, uppercase, title case, or sentence case is easy using Microsoft Word's built-in functions. This task arises when referencing documents or case names, working with case captions, or drafting documents with multiple tables and headings. Case can be part of a Style or changed later. It takes seconds to change case when using Microsoft Word's built-in functions—no drafter should re-type words just to change case. If there are several tables, figures, and indexes, a tool like PerfectIt will make these descriptions consistent case style.

For drafters who regularly mistype certain words and phrases, they can use technology to correct those problems. With Microsoft Word's built-in AutoCorrect function, a drafter can tell Microsoft Word to automatically correct common errors. PerfectIt will correct words found in *Black's Law Dictionary* and it can be customized to follow partner, firm, or court requirements. TextExpander can be used pre-emptively to make sure you enter the troublesome phrase properly the first time.

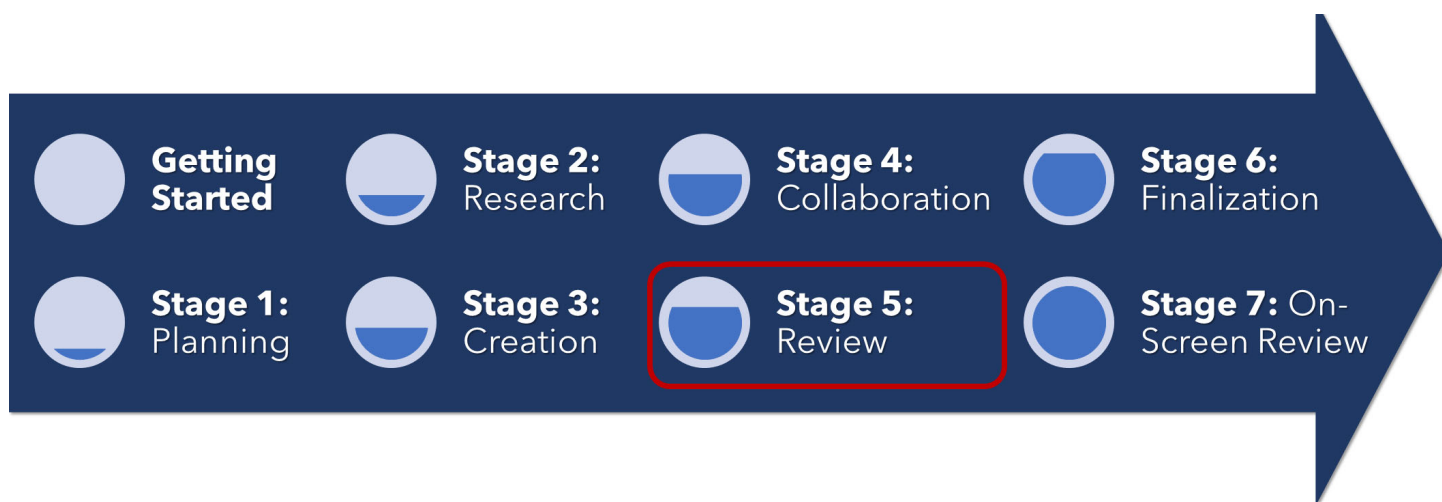
Effective Proofreading and Editing Checklist

Have you completed these proofreading or editing tasks?	Here's How to Do It in Word	Work More Efficiently with These Professional-Level Tools
<input checked="" type="checkbox"/> Created a Table of Contents using Table of Contents feature in References tab	How-To	DocXtools Numbering/ToC (Litera) ; Document Styling(BigHand) ; CCC Macro Pro (Crowther Macro Systems) ; DocStyle
<input checked="" type="checkbox"/> Updated a Table of Contents using Table of Contents feature in References tab	How-To	DocXtools Numbering/ToC (Litera) ; Document Styling (BigHand) ; CCC Macro Pro (Crowther Macro Systems)
<input checked="" type="checkbox"/> Edited for brevity or to meet length restrictions using spell- and grammar- checking in Proofing group of Review tab	How To	WordRake ; BriefCatch
<input checked="" type="checkbox"/> Edited to improve clarity, style, and readability	How To	WordRake ; BriefCatch
<input checked="" type="checkbox"/> Proofread text for typos, punctuation, and capitalization using spell- and grammar- checking in Proofing group of Review tab	How To	PerfectIt ; Contract Companion (Litera) ; LitKit
<input checked="" type="checkbox"/> Checked text for consistency in legal phrases and consistent use of the oxford comma using Find-and-Replace with wildcards in Home tab, using spell- and grammar- checking in Proofing group of Review tab	How-To	Contract Companion (Litera) ; PerfectIt ; LitKit
<input checked="" type="checkbox"/> Inserted and updated cross-references using Cross-References function in References tab	How-To	Contract Companion (Litera) ; DocXtools (Litera) ; DocStyle
<input checked="" type="checkbox"/> Conformed capitalization of words and captions to match style guide recommendations	How-To	PerfectIt
<input checked="" type="checkbox"/> Inserted, updated, and formatted footnotes and endnotes to conform to style guide recommendations using insert footnote function in References tab	How-To	Not applicable
<input checked="" type="checkbox"/> Created a Table of Authorities , which includes cases, statutes, and other authorities cited using Table of Authorities feature in References tab	How-To	Litigation Companion (Litera) Lexis for Microsoft Office ; ezBriefs ; and Best Authority (Litera)
<input checked="" type="checkbox"/> Conformed citations to meet citation manual formatting requirements , including converting underlines to italics using Find-and-Replace with wildcards in Home tab	How-To	PerfectIt ; Lexis for Microsoft Office ; and Best Authority (Litera)
<input checked="" type="checkbox"/> Conformed citations to meet citation manual requirements , including correcting capitalization, spelling, spacing, and punctuation of citations using Find-and-Replace with wildcards in Home tab	Manual Search + Editing & Formatting	PerfectIt ; Lexis for Microsoft Office ; and Best Authority (Litera)

<input checked="" type="checkbox"/> Conformed citations to meet citation manual spacing requirements , including non-breaking spaces and range punctuation using Find-and-Replace with wildcards in Home tab	How-To	PerfectIt ; Lexis for Microsoft Office ; LitKit ; and Best Authority (Litera)
<input checked="" type="checkbox"/> Converted citations to use <i>Id.</i> and short cites to match citation manual requirements through manual searching, editing, and formatting	Manual Search + Editing & Formatting	Lexis for Microsoft Office ; LitKit
<input checked="" type="checkbox"/> Added or updated exhibit numbers and citations	Manual Search + Editing & Formatting	LitKit
<input checked="" type="checkbox"/> Created an index of exhibits	Manual Search + Editing & Formatting	LitKit

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 Proofreading and Editing 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>.