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Jason G. Dykstra

Concordia University School of Law, jdykstra@cu-portland.edu

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Good Old-Fashioned Editing

Jason Dykstra

In the law, first impressions often transpire in writing. Given this opportunity, don't risk losing credibility from Judges, clerks, or clients by submitting documents rife with typos and errors.

Certainly, no attorney wants to stand up at an oral argument and commence with an apology for a brief riddled with typos and errors. In the digital age, no attorney wants to risk blowback from their bad briefing going viral, in places such as "Above the Law" accompanied by an overheated caption like *Bad Briefing Begets Brutal Benchslap*.¹ So, to make the best written impression, invest time in both drafting and editing work product.

A year and a half ago, this column discussed electronic editing.² While not perfect, the spelling and grammar review features of word processing software can prove good editing tools. Similarly, find and replace features can help ferret out any lurking malapropisms. These searches can avert the potential embarrassment of quoting a "statue" in the Idaho Code in a brief filed in "Canon County." However, electronic editing does not supplant the good old-fashioned printing-a-fresh-draft-and-reading-keenly style of editing. This article focuses on a few tips to optimize the effectiveness of editing text in print.

Separate drafting and editing

First, strive to separate the drafting process from the editing process.³ As you may notice while following a distracted driver attempting to text, humans are not particularly skilled at multitasking. In general, you can optimize the



effectiveness of both drafting and editing by focusing separately on each task. Amongst perfectionists, separating drafting from editing facilitates efficiency by quashing the urge to linger and revise word choices and sentence structure. So, try drafting first and then turn your full attention to editing.

While younger practitioners may mock their older colleagues' habit of whispering into Dictaphones, dictation encourages separating drafting from editing. But there are alternatives other than dictation. Last year, one of my students found her efficiency improved dramatically by typing drafts in a white font that only became visible when she later changed the font to black for editing.

Another writer explained his lower tech solution: covering the screen on his laptop with a pillowcase while drafting. And yes, there is even a free Web App called "Blind Write" that lets you type away on a blackened screen before revealing your text.⁴ So, find a technique that works for you, draft and then turn your attention to editing.

However, electronic editing does not supplant the good old-fashioned printing-a-fresh-draft-and-reading-keenly style of editing.

Take a break before editing

Before editing, walk away from your draft. Of course, this can prove a challenge for procrastinators. But schedule a little break after you finish your initial draft: go out to lunch, take a walk around the office, or, even better, sleep on it. This

break separates drafting from editing.

Moreover, given a little idle down time, your mind will consciously begin to problem solve and edit. As the essayist Tim Krieder explained, an idle break provides “a necessary condition for standing back from life and seeing it whole, for making unexpected connections and waiting for the wild summer lightning strikes of inspiration — it is, paradoxically, necessary to getting any work done.”⁵ For example, a well-known Idaho attorney once claimed that his best trial strategies emerged not in court or at the office, but while drying dishes after dinner. Like the proverbial “epiphany in the shower,” your best ideas may require a little time to percolate.

Find the editing techniques that work for you

Once you sit down to edit, try a number of editing techniques. Over time, you will hone the best techniques that work for you. Many writers are the most effective when editing from a printed copy. With this in mind, print a fresh copy of your draft.

Also, consider a change of venue from your office. The distractions of e-mails popping up, phone calls rolling in, and other neglected files piled on your desk are not conducive to effective editing. So grab your draft and wander into an empty conference room, head over to a coffee shop, or take your draft home.

Many writers find their editing skills are the most effective when they read aloud. You know what you meant to type. So, while reading you tend to skip over minor errors and typos. When reading aloud,

small typos often become readily apparent.

For my first edit, I skip reading legal citations altogether and focus exclusively on reading the text of the document aloud. During round two of my editing, I return to check every citation. Usually, I quickly pass through my draft to highlight each cite and return for a thorough citation review.

Some legal writers find it more effective to edit by focusing on each line of their draft. Moving a ruler or blank sheet of paper along to isolate each line of text can facilitate this technique. Other writers print drafts on a different colored paper for editing. For these writers, errors and typos stand out in drafts printed on pink or yellow copy paper.

Some legal writers prefer to perform their final edit by reading the entire document backwards, focusing discretely on each sentence in reverse order. Absent the accompanying context of how each sentence fits into the draft, these writers notice more typos and errors. Other writers listen to music during the editing process. Preferably nothing distracting with lyrics, but a favorite classical or jazz piece can facilitate focused editing. Ultimately, try a bunch of editing techniques to find the techniques that work the best for you.⁶

Conclusion

A bit of effort at the editing stage will ensure that the documents you produce put your best foot forward, whether in pleadings or in correspondence. One final note for private practitioners, don't neglect to edit and proof your billing statements. In particular, don't neglect to check for the correct spelling of your client's name in every time entry. While it may not be a first impression, don't let misspelling your client's name on an invoice make IT your last impression.

Endnotes

1. <http://abovethelaw.com/2015/06/maybe-this-is-the-greatest-or-at-least-the-snarkiest-concurrence-ever> (last visited September 23, 2015).
2. Tanielle Fordyce-Ruff, *Time Savings: E-Editing Tips & Tricks*, 57-JUL Advocate (Idaho) 62 (2014).
3. Stephen V. Armstrong & Timothy P. Terrell, *Editing: Overcoming the Dr. Strangelove Syndrome*, 5 No. 2 Persp: Teaching Legal Res. & Writing 77 (1997).
4. <http://blindwrite.herokuapp.com/>
5. Tim Krieder, *The 'Busy' Trap*, The New York Times (June 30, 2012), http://opinionator.blogs.nytimes.com/2012/06/30/the-busy-trap/?_r=0.
6. Stephen V. Armstrong, *How to Edit Effectively and Efficiently*, 37 No. 2 Prac. Law. 45, 53 (1991).

Jason Dykstra is an Assistant Professor of Law and the Assistant Director of the Legal Research and Writing Program at Concordia University School of Law. You can reach him at jdykstra@cu-portland.edu.

