



Editing Other Lawyers' Work

The Six Stages of Effective Editing

BY JOHN HISKI RIDGE AND SUZAN KOBASHIGAWA

Editng is not writing. It's a distinct task requiring a distinct skill set. Yet lawyers are rarely taught how to be effective editors, especially in the context of editing another lawyer's work. This article addresses this topic by (1) providing general advice to help editors improve their craft; and (2) discussing the six stages of effective editing: familiarization, organizational editing, stylistic editing, grammatical editing, proofreading, and rule compliance. It also includes a sample editing checklist that sums up the six stages and serves as a working tool for further editing projects.

Editing Best Practices

When another lawyer asks us to edit a document, it's a privilege we should take seriously. They are trusting us not only to improve their written work, but also to support them as authors and lawyers. Below are some techniques that effective editors use to continuously hone their craft.

Effective Editors Work in Stages

Effective editors read through a writing several times. The six stages of editing are designed to help editors focus on a related set of tasks during each reading, thereby improving the

results. Trying to complete too many editing tasks during a single reading often results in task overload, causing the editor to miss needed edits.

The number of times a document should be read depends on the experience of the editor and the quality of the writing. Lawyers new to editing should read each document multiple times, assiduously following the six stages. In addition to improving the document itself, this helps lawyers develop their knowledge of grammar, punctuation, and other writing rules, and improve their editing skills.

Experienced editors can combine the stages into fewer steps, depending on their editing experience and skill level. But when it comes to editing legal work product, a single review is rarely sufficient.

Effective Editors Use an Editing Checklist

Legal writing guru Bryan Garner has extolled the benefits of using checklists in legal writing, noting that they "reduce mistakes by compensating for the limits of human attention and memory."¹ The same is true for legal editing. There's a lot to remember when editing another lawyer's writing. An editing checklist helps editors execute every step properly and in the correct order.

Sample editing checklists with varying levels of detail can be found online or in legal writing texts. For example, *Beyond the First Draft*, by Professor Megan McAlpin, has an extensive checklist that's well-suited for lawyers new to the editing process.² And a recent *Colorado Lawyer* article by Ginette Chapman provides a "cleanup checklist" packed with reminders for the later stages of editing.³

These ready-made checklists are a good starting point, but the best checklists are the lists we make for ourselves. We all have different strengths and weaknesses, and as editing skills develop, we learn which tasks we are intuitively good at and which need further work. For areas in which we lack sufficiency, we should break down the editing stages into a series of smaller tasks to ensure adequate completion of each stage. For example, lawyers who excel at grammar may only need a single line on their checklist reminding them to

complete the review, while those who struggle with remembering grammar rules may need to include multiple lines reminding them to apply certain rules.

The sample editing checklist included with this article (see Appendix on page 16) is meant to be a working document that editors can modify as needed. Editors should add to (or subtract from) this basic checklist as their editing skills develop and grow.

Effective Editors Consult Style and Grammar Guides

Effective editors are familiar with style and grammar guides, and they regularly study these guides to improve their knowledge. *The Chicago Manual of Style* is a wonderful guide for legal editors.⁴ The following guides are also excellent: *The Elements of Style*,⁵ *The Oxford Dictionary of American Usage and Style*,⁶ and *The Handbook of Good English*.⁷ For those who need extra help, *Help Your Kids with Language Arts* provides easy to understand definitions and explanations of frequently used grammar concepts and punctuation.⁸

There's a lot of debate about which style and grammar guides are the best, but this question misses the mark. No matter which guides are chosen, what is important is that an editor spends time each week reading and studying them. Lawyers who dedicate regular study time to learning the rules of style, grammar, punctuation, and citation will become better editors.

Effective Editors Encourage Good Writing

It takes a lot of time, effort, and skill to write a brief, draft a contract, or compose a letter. Effective editors recognize this and encourage their colleagues to continue to work hard at producing high-quality written product. This means that editors do more than point out mistakes in style, grammar, organization, and citation. They also point out areas of excellence and encourage writers to continue to build on their strengths. And when editors do point out mistakes, they do so in language that encourages and with comments that explain why they are making the change. This helps authors learn and grow as writers.

The Six Stages of Effective Editing

The six stages of effective editing are:

1. Familiarization: The editor reads the writing and talks to the author to become familiar with the purpose of the writing, the topic, the applicable law, and the facts.
2. Organizational editing: The editor focuses on the general structure of the writing; the organization of the sections, paragraphs, and sentences; and the reasonableness of the arguments and explanations.
3. Stylistic editing: The editor examines each section, paragraph, and sentence to improve clarity and increase conciseness. This includes reviewing paragraph and sentence length, looking for the correct use of topic sentences and transition phrases, removing unneeded words and parenthetical statements, eliminating legal jargon, and ensuring that legal standards and authorities are correctly applied.
4. Grammatical editing: The editor focuses on grammar, punctuation, and spelling.
5. Proofreading: The editor looks for mistakes that have slipped through the cracks, such as misapplied fonts or typos (e.g., using *trail* when referring to a *trial*).
6. Rule compliance: The editor conducts a final review to ensure that the writing complies with all the applicable rules, including drafting and citation rules.

Stage 1: Familiarization

We've all worked with editors who start commenting on a brief or other document before reading the entire writing. How many times have we seen editing comments suggesting changes that would have been recognized as unnecessary had the editor simply read the document before making the comment? To solve this issue, the first stage of effective editing is familiarization. Here, the editor does not make a single comment or change to the writing but instead focuses on comprehension.

This is achieved in two steps. First, the editor reads the entire writing to understand its purpose, the topic, the applicable law, the legal reasoning, and the facts. Next, the editor works with the writer to better understand the purpose of the writing, the audience, the arguments,

and the most important points and concepts. Collaborating with the writer during this stage builds trust and strengthens the writer-editor relationship. It is only after this foundation is established that editing should begin.

Stage 2: Organizational Editing

Organizational editing focuses on the general structure of the writing, not on the words themselves. Here, the editor looks at the organization of the sections, paragraphs, and sentences, and the reasonableness of the arguments and explanations. The goal is to assist the writer by improving the document's effectiveness, flow, and coherence.

Examining the purpose. Having determined the writing's purpose in stage 1, the editor evaluates whether that purpose has been satisfied. For example, does a client letter successfully inform the client by responding to the questions asked? Does a dispositive motion persuade the court by clearly explaining what is being requested and why the requested relief should be granted? The writing's purpose should be easily identified—preferably at the beginning of the writing—and the rest of the writing should reasonably and cogently support that purpose.

Reviewing the introduction. The editor then turns to the introduction and asks whether it contains an adequate roadmap that guides a reader through the body of the document. This does not have to be a step-by-step playbook, but it should at least address the major issues to come.

Reviewing the headings. Next, the editor checks the headings to ensure they adhere to the roadmap provided in the introduction and adequately convey the issues or arguments. In a brief or motion, the headings should give a reader a short preview of the pending arguments, providing the reader with an introduction to and the logical flow of the arguments. It is often helpful to print out the introduction and headings to help determine whether they adequately guide the reader and sufficiently communicate the gist of the writing.

Reviewing section and argument order. While looking at the headings, the editor also ascertains whether the sections and arguments are in the correct order and whether the docu-

ment contains all the required parts. It is often helpful to ask whether sections and arguments should be rearranged for greater clarity.

Reviewing paragraph and sentence order. Moving from the section level to the paragraph level, the editor then reviews the order and structure of the paragraphs and sentences under each heading. Individual paragraphs should support the headings under which they fall, and each paragraph should contain a topic sentence and supporting sentences. Each sentence should likewise support its related topic sentence. Nonessential paragraphs and sentences should be eliminated and the order of each should be rearranged if needed.

Stage 3: Stylistic Editing

Having edited the document for effectiveness and organization, the editor turns to the writing itself.

Stylistic editing is often the trickiest part of the editing process because it requires critical judgment about the effectiveness of the author’s writing style. There are many ways to convey an idea or express an argument, and editors must be able to set aside their arrogance and look at a writer’s style from a reader’s point of view. Just because the writer’s style differs from the editor’s does not make it ineffective. If it is effective to the reader, even if it is different from the editor’s style, it should be supported and encouraged.

Below are some stylistic edits to consider.

Crafting concise sentences. Each sentence should convey a single idea or insight. While long sentences are not wrong per se, a sentence that tries to do too much should be broken down into two or more sentences.

For example, sentences with too many independent clauses—each expressing a single

idea—should be divided into multiple sentences. Editors should also look for sentences with too many dependent clauses. Usually, some of these clauses convey nonessential information and can be removed. Otherwise, editors should consider whether successive dependent clauses can be turned into standalone sentences.

Watch the tone. We have all read briefs or letters that conveyed a tone of sarcasm, ridicule, or outright hostility, and we have seen attempts at humor fall flat or, even worse, offend the reader. A writer must set the correct tone by conveying a sense of professionalism, respect, and confidence about the suggested course of action. Effective editors help writers maintain a professional tone.

Revising colloquialisms and jargon. Colloquialisms are informal words or phrases that are often used in everyday conversation. They usually have geographic significance and can be misconstrued by people outside a certain demographic. For example, the words *soda*, *coke*, and *pop* are each used in different parts of the country to refer to carbonated soft drinks. Jargon, on the other hand, refers to the specialized language used by practitioners in a specific trade or business. Lawyers are especially guilty of using legal jargon such as *aforementioned*, *henceforth*, and *whereof*.

Effective editors remove colloquialisms, which can be easily misunderstood. They also remove legal and nonlegal jargon, which overly complicates writings.

Eliminating metadiscourse and parentheticals. Metadiscourse refers to those terms or phrases in a sentence that add nothing to the topic of the sentence but merely provide commentary leading up to the key point. Here are some examples: “Now I propose that . . .”; “Next, we shall discuss . . .”; and “In addition to the above . . .” These phrases are just words about our words, or comments about our comments, and they can often be eliminated to make a writing more concise.

Sometimes parentheticals are like metadiscourse, providing an explication or explanation of terms or phrases that are already understood, and can be edited from the document.

Respecting audience understanding. Every audience is different, and an author’s writing style

Trial Coming Up? I can help



SCOTT JURDEM

Best Lawyers in America
Inducted American Board
of Trial Attorneys

Board Certified Civil Trial Advocate —
National Board of Trial Advocacy

Life Member — NACDL

2006–2022 Colorado Super Lawyer

“Don’t Get Outgunned”

JURDEM, LLC

820 Pearl Street, Suite H, Boulder, Colorado, 80302

303-402-6717 sj@jurdem.com www.jurdem.com

should change to effectively communicate with that audience. Having identified the audience in stage 1, effective editors help writers settle on a style and approach.

For example, when writing to an administrative law judge who hears hundreds of similar cases each year, a lawyer may want to include block quotes from the statutes and cases to help the judge recall the relevant law and precedents without having to refer to the actual sources. When writing to a client at a large corporation, a lawyer may want to include an executive summary to give the client a cheat sheet to rely on without having to read the long analysis. And, when writing to a local politician, a lawyer may want to include summary bullet points to give the politician talking points to use in public meetings.

Other things to watch for. Other stylistic edits may include ensuring topic sentences and transition phrases are used correctly, removing unneeded words, and ensuring that legal standards and authorities are correctly applied. Style guides are a wonderful resource for identifying the full range of potential style issues.

Stage 4: Grammatical Editing

While not the most time-consuming stage of editing, grammatical editing can be the most tedious. The editor's success at this stage depends largely on the editor's familiarity with the grammar guides. Editors should build in time to read these guides on a regular basis.

At this stage, the editor is looking for mistakes in grammar and punctuation. Some common grammar errors include subject-verb disagreement, nominalizations, overuse of passive voice, the incorrect use of *that* versus *which*, misplaced modifiers, dangling modifiers, and pronoun disagreement. Some common punctuation mistakes include misplaced or missing quotation marks, misused apostrophes, the incorrect use or overuse of semicolons, and the incorrect placement of hyphens and dashes.

An editing checklist can greatly assist editors during this stage. The list should include grammar and punctuation errors that the particular writer or writers frequently make. The checklist should also include specific items that the editor needs to be reminded to check on each

and every document. We all have blind spots for certain grammatical or punctuation errors that our minds seem to skip right over when we are reading. A checklist reminds us to look for those errors.

Stage 5: Proofreading

Hopefully by this stage most of the document's errors have been identified and the corrections or changes have been made. But all of us have filed documents only to have our mistakes pointed out to us later. Common legal writing mistakes include writing *statue* instead of *statute*, asking for *advise* instead of *advice*, confusing *principal* and *principle*, mixing up *counsel* and *council*, and writing *preemptory* instead of *peremptory*. Electronic spell-checks or grammar-checks catch a lot of mistakes, but they are not foolproof. The proofreading stage—which involves one last careful read through—gives the editor a chance to spot mistakes that have slipped through the cracks. This stage should also include a careful review of names (judges, parties, witnesses, counsel, etc.) to ensure they are spelled correctly.

Stage 6: Rule Compliance

In this final stage, the editor checks the formatting rules to make sure the document conforms to each specific requirement. This includes local court rules on captions, margin size, page length, word count, font, and citation form. It is not unheard of for a court to reject a document that fails to comply with these published rules. *The Bluebook* is a good reference for ensuring citation compliance in legal documents.⁹

When checking citations, an editor should also verify that every factual statement is supported by a cite to the record or evidence and every legal assertion is supported by a cite to a case, statute, or other authority. Citations should be to current authorities and support the statement or assertion. Parentheticals should be used where necessary to explain the relevance of the source.

Conclusion

Like any other legal skill, editing takes practice. We should exercise this skill to improve our craft and warrant the trust that writers place in us.¹⁰ 



John Hiski Ridge is a Colorado attorney and professional writer. He has published articles on many topics, including diversity in the workplace, leadership, legal writing, and mountain climbing. He is a graduate of Boston College, where he earned both his JD and a Ph.D. in philosophy. Ridge is the author of *Maggie and Me*, a blog that discusses issues facing young adults with disabilities—johnhiskiridge.com. **Suzan Kobashigawa** is a professor in the College of Education at Northwest University. She specializes in language and culture in contexts of learning. With degrees from the School for International Training (MIT) and Indiana University of Pennsylvania (Ph.D.), she has trained teachers, corporate employees, and laborers for over 30 years. Kobashigawa is especially interested in workplace contexts that promote inclusivity, productivity, and a sense of belonging.

Coordinating Editor: Lindsay Obert, obert@ffcolorado.com

NOTES

1. Garner, "How using checklists can improve your writing," *ABA J.* (online), https://www.abajournal.com/magazine/article/garner_checklists_improve_writing (Sept. 1, 2016).
2. McAlpin, *Beyond the First Draft: Editing Strategies for Powerful Legal Writing* (Carolina Academic Press 2014).
3. Chapman, "Legal Editing Demystified: A Process for Polishing Your Prose," 50 *Colo. Law.* 19 (Feb. 2021), <https://cl.cobar.org/departments/legal-editing-demystified>.
4. The University of Chicago Press, *The Chicago Manual of Style* (17th ed. 2017). An electronic version of this book is also available online at chicagomanualofstyle.org.
5. Strunk Jr. and White, *The Elements of Style* (4th ed., Pearson Education, Inc. 2000).
6. Garner, *The Oxford Dictionary of American Usage and Style* (Oxford Univ. Press 2000).
7. Johnson, *The Handbook of Good English* (Washington Square Press 1983).
8. Gambrell et al., *Helping Your Kids with Language Arts* (DK Publishing 2013).
9. Harvard Law Review Association, *The Bluebook: A Uniform System of Citation* (21st ed. 2022).
10. Portions of this article were previously published in the following: Ridge, "Developing Effective Editing Skills, Part 1," 44 *Wyo. Law.* 58-59 (Feb. 2021); Ridge, "Developing Effective Editing Skills, Part 2," 44 *Wyo. Law.* 52-53 (June 2021); and Ridge, "Developing Effective Editing Skills, Part 3," 44 *Wyo. Law.* 58-59 (Oct. 2021). The authors have compiled and revised these ideas into this single article, which we hope you find useful.

SAMPLE EDITING CHECKLIST

Done	Task	Notes
Stage 1: Familiarization		
	Read the writing to understand the purpose and topic, applicable laws and legal reasoning, and facts.	
	Talk to the author to better understand the writing's purpose, audience, arguments, and important points and concepts.	
Stage 2: Organizational Editing		
	Verify that the purpose of the writing is satisfied.	
	Review the introduction.	
	Review the headings.	
	Review section and argument order.	
	Review paragraph and sentence order.	
Stage 3: Stylistic Editing		
	Review sentences for conciseness.	
	Watch the tone.	
	Revise colloquialisms and jargon.	
	Revise or remove metadiscourse and parentheticals.	
	Review for audience understanding.	
	Identify and review topic sentences.	
	Identify and review transition sentences.	
	Remove unneeded words.	
Stage 4: Grammatical Editing		
	Review for subject-verb disagreement, nominalizations, passive voice, incorrect use of <i>that</i> versus <i>which</i> , misplaced and dangling modifiers, and pronoun disagreement.	
	Review for misplaced or missing quotation marks, misused apostrophes, incorrect use or overuse of semicolons, and incorrect placement of hyphens and dashes.	
Stage 5: Proofreading		
	Reread the document, looking for missed errors.	
	Run electronic spell-check and grammar-check, verifying that all checks are accurate.	
	Verify the spelling of names.	
Stage 6: Rule Compliance		
	Review for compliance with local court rules: captions, margin size, page length, word count, and font.	
	Review citation form.	
	Verify that each factual statement is supported by a cite to the record or evidence.	
	Verify that each legal assertion is supported by a cite to a case, statute, or other authority.	