

July 9, 2007



From mobsters to memos: editing key to good writing

By Julie Baker and Lisa Healy

Write On provides guidance on writing memoranda and briefs that will lead to the results their authors — attorneys — are hoping for from readers of those legal documents.

Whether you hated the ending of "The Sopranos" or loved it, or just thought that your TiVo had malfunctioned, chances are good that you watched it.

And, if you're like me, Sundays feel a little like they do when the Patriots' season ends — nothing to look forward to except Monday morning. Just what was it about the "The Sopranos" that made it so addictive?

Creator David Chase says it was the editing.

In an interview with Jim Lehrer, in fact, Chase said: "Editing is the greatest thing that mankind has ever devised."

Chase likes editing better than writing and pointed out that there could be two scenes that seemed brilliant on paper, but when shot on film and put together, they just didn't work. Hence his feeling that editing is the "most important part" of the process.

Chase is right. One of the reasons "The Sopranos" was so gripping was the fantastic writing, which was the result of lots of editing (all that time between seasons was good for something). In his interview with Lehrer, Chase was referring to film editing, but he likened it to the writing process, and the two are very similar.

As was suggested in the last "Write On" column, to write effectively you need to think about the process as having three parts: planning, writing and editing.

Most of us consider editing as either optional or, at best, something we do at the last minute if there's time — and there never is. But recognizing editing as a mandatory part of the writing process can actually save you time.

If you consider that you will spend one-third of your time editing a piece, you will feel free to write without the crushing weight of having to get every word, sentence and paragraph perfect the first time you sit down to write.

So, now you know that you need to edit, but how do you do it?

First of all, print out what you have written. Editing on paper is easier and more effective.

Secondly, detach yourself from your writing. If you spent 20 minutes on one sentence, but that sentence still doesn't work, it has to go. The best way to detach yourself is to step away from the piece for a while — a day, if you have it; or even an hour, if you don't.

Now that you are detached and have a printed version in front of you, break the editing into two parts.

First, edit for the "big picture":

- 1) theme (Your memo should have a cohesive one that is easy for your reader to summarize in one sentence);
- 2) flow (Is each argument or discussion in the right place? Should you start with your strongest argument, or should you follow the court's three-part test?); and

3) overall effectiveness (Is the writing convincing but not pushy? Does it convince the reader emotionally to side with you, but also give him the legal tools to issue a judgment in your client's favor? Does the reader feel like he has made up his own mind?). Some people think of this more as "revising" than editing. Either way, it is a necessary step in the writing process.

Next, edit for the "small picture":

- 1) spelling errors (Spell-check does not count — e.g., "the patient was elderly and penile");
- 2) grammatical errors (Again, do *not* rely on your computer — mine routinely changes its to it's when I am using "it" as a possessive rather than as "it is");
- 3) sentence-level writing (Have you started each paragraph with a convincing thesis sentence? Make sure that you have stated legal rules persuasively and that your rule statements and thesis sentences cannot be used in the opposing memo);
- 4) paragraph length (Three-fourths of a page is plenty for an effective paragraph. But keep in mind that readers lose attention three-fourths of the way through a paragraph, so you can hide things that are not good for your side in that location); and
- 5) citation and formatting.

You must leave time for this part of the process. Typos and sloppy writing are the fastest way to convince your reader that you are careless and unreliable.

Once you have made both large- and small-scale changes, print out the document and read it again. But, this time start at the end. While you do not, under any circumstances, want to make a mistake on page one, usually the end of a memo is ignored because you always read it last.

It is also very effective to read the document out loud — you will force yourself to focus more on each word, and you will hear problems that you do not see (such as, if you have to take a breath in the middle of a sentence, it's probably too long).

We'll spend more time on the specifics of large- and small-scale editing in the future, so stay tuned. In the meantime, I have to print out this column so I can edit it!

Julie Baker and Lisa Healy are associate professors of legal writing at Suffolk University Law School in Boston. Baker can be reached at jbaker@suffolk.edu; Healy is at lhealy@suffolk.edu.

Lawyers Weekly, Inc., 41 West Street, Boston, Massachusetts, 02111, (800) 444-5297

© 2007 Lawyers Weekly Inc., All Rights Reserved.