

Effectiveness Project Team

Document Competency: What Every Legal Professional Should Know for Effective & Efficient Drafting in Microsoft Word

A Discussion of Document-Creation Workflows and Best Practices Guide

Effectiveness Project Team
Revision 3.4: Friday, June 25, 2021

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Part 1: Introduction

| Introducing the Effectiveness Project

Personal pride in delivering high-quality work is the hallmark of legal professionals. But once we get beyond substantively correct legal work, legal professionals rarely know where to begin this effort—or when they've done enough to call the effort complete.

In 2012, the American Bar Association revised its model ethics rules to explicitly include technology competence in a lawyer's overall duty to provide competent representation. As of May 2021, 39 states in the United States of America have adopted the revised rule. But the concept of a baseline quality of work, specific technology tools to use, and how long it should take to complete a task competently remains largely unspecified in the United States or elsewhere.

We created this working group to uncover and address these unstated and unspecified expectations. This working paper is our first deliverable. With it, we hope to establish a baseline understanding for the document-creation work valued in the legal ecosystem, define parameters for the work, and set expectations for quality, effort, and result.

Since Microsoft Word is the most-used word processing program in the legal profession, we focused on tasks and tools that work within that ecosystem. Other word processing programs and online-only tools are outside of the scope of this white paper and this working group, although many of the general concepts no doubt overlap.

| Purpose and Goals of the Effectiveness Project

For legal professionals, the documents we create are the lasting evidence of the advice and counsel we give. Our documents represent our substantive skill and reflect the quality of our thinking. Through documents, we deliver our arguments and advice. With digital deliverables and readers who consume our documents electronically, that quality must also include the attributes which enable navigation and online review. Therefore, the technical creation and presentation of documents carries as much weight as the substance that went into them.

Because of the weight of documents and the expectation that everything in the legal profession will be difficult and time-consuming, we have no judgment for when we're over-working a matter or for when we're struggling with a task that could be done in a better, more efficient way and lead to better results.

We hope to influence and define the work valued in the legal ecosystem; encourage legal professionals to seek resources that will help them accomplish document-creation tasks with the right time-to-value ratio; and empower clients to ask for more in the delivery of legal services.

| Purpose and Goals of this Working Document

As the legal world moves toward productization and efficiency, clients, legal professionals, and those who evaluate their fees are met with the same challenge time and again: How do we know that the time invested in creating legal documents matches the value received?

Legal professionals and legal technologists have sought to address the problems hinted at in this question through automation. But jumping to automation offers a solution before naming the problem. To progress, we must name the problem.

LTC4 has provided extensive guidance by providing industry-accepted standards for efficiency, but there's more to the business impact of the final work product—doing substandard work quickly can't be our end goal.

As a group, we identified the work that goes into creating a legal document, then we divided it into stages and tied individual tasks and technology to the work. To make this document unique from LTC4's learning plan "Working with Legal Documents," and serve as a business tool, rather than a training plan, this document incorporates these elements:

1. A conceptual analysis of each stage
2. Recommendations for how legal professionals can advance their skills
3. References to native Microsoft Word functionality and related professional-level tools

| How to Use this Document

In this document, we introduce each drafting stage and establish its value as part of the document-creation process. We then break down individual tasks and show how those tasks can be accomplished at no additional cost using Microsoft Word's built-in features. We also offer more efficient ways to accomplish those tasks with greater accuracy using software designed to integrate seamlessly into the Microsoft ecosystem. The software that works in Microsoft Word is called an "add-in."

For anyone who encounters unfamiliar tasks, tools, or built-in features in this document, we hope they will take the time to understand how those tools can help them and try to learn to use the tool.

- **For legal professionals...** We hope you will discover better ways to perform tasks and seek training to effectively use the tools available to you.
- **For clients...** We hope you will feel empowered to demand more from legal professionals and that you will have the tools to question the work done on your behalf and guide legal professionals to serve you more effectively and efficiently.
- **For judges and fee examiners...** We hope you will use this document as a guide when evaluating fee requests and hold lawyers to established standards for technology competence and ethical billing.

- **For educators...** We hope you will use this document as a guide to show students what skills they must develop to be successful legal professionals and help them to develop judgment for creating documents that meet client needs while also meeting value expectations.
- **For students...** We hope this document will help you see how effectiveness and efficiency are deeply connected parts of document creation. We hope you will use it as a guide to seek training in legal writing and legal technology.

Through this project, we hope to ignite a desire to continuously improve and to give all players in the legal world direction for where to start. We're all trying to get better at what we do, and we hope our work will bring value to the legal profession.



| About LTC4, the Legal Technology Core Competencies Certification Coalition

In 2010, a group of legal professionals from the US, UK, and Canada met to identify and articulate internationally accepted workflows. These volunteers, comprised of lawyers, legal technology trainers, and IT specialists, used their extensive experience to develop a set of legal technology core competencies.

The resulting LTC4 Core Competency Learning Plans and Certification programs have become the industry standard and the foundation for law firm training that addresses skill gaps, increases productivity, improves profitability, and reduces security risks. These Learning Plans are application-agnostic, workflow-based, and flexible to accommodate a firm's internal policies.

LTC4 now supports law firms, law schools, and associated professionals dedicated to ensuring that the legal industry is suited for the 21st century and beyond and prepared to meet the needs of tech-savvy clients. This working paper is one of many initiatives championed by LTC4 to achieve this goal.

For more information about LTC4, click [here](#). For more information about the duty of tech competence, click [here](#).

Part 2: Document Drafting Stages

| Divided into Drafting Stages

Though we've chosen to divide the document-drafting process into stages, we acknowledge that creating a legal document is an iterative process and no two people (or documents!) will require following the exact same process. Many tasks could be addressed in different stages, and often, a drafter will return to a task at a different time or multiple times.



Regardless of your exact process, there's a workflow involved in document creation. By viewing document creation as a workflow with defined stages and a baseline of tasks and quality, we can make the process knowable. We can make the process one that can be quantified, evaluated, measured, and streamlined. With this project, we hope to move document drafting out of the untouchable realm of bespoke work to the world of knowable, predictable, repeatable work that can be evaluated and improved.

| Considerations when Re-Using Documents

Without a document automation system or ready-made template in place, for most legal drafters, the first step in creating a legal document involves finding a similar document to re-use.

By starting with an existing document, a drafter has a framework from which to work: an outline of the necessary parts, ready-to-use wording, and pre-designed style and formatting. But re-using documents without understanding or evaluating them can lead to including irrelevant or conflicting information. It may also mean carrying forward broken style and formatting.

Most drafters re-use documents because they believe it saves time, but it can have the opposite result. It takes time, knowledge, and confidence for a drafter to evaluate text in a document and decide to delete it.

The most significant problem that arises from document re-use is inadvertently exposing confidential client information in the form of metadata, editing history (tracked changes and comments), and names, dates, terms, negotiable values, and clauses left in the document.

Tasks You Should Expect to Perform When Re-Using Documents

- Cloning document for re-use and saving with a new name in new location
- Clearing document properties (metadata) after duplicating original document
- Clearing matter- and client-specific information from prior engagement
- Evaluating and reviewing formatting of existing work
- Repairing a corrupted document or fixing broken formatting
- Saving useful clauses for re-use in future documents

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Clearing matter and client-specific information from prior engagement	How-to	Content Companion Anonymize (Litera)
Clearing document properties after duplicating original document	How-to	PuR MetaData ; DocStyle ; Scrub (BigHand)
Evaluating and reviewing formatting and style of existing work	How-to (Show/Hide) and How-to	DocXtools (Litera) ; DocStyle , Create (BigHand)
Reformatting a document	How-to	DocXtools (Litera) ; DocStyle , Create (BigHand) ; BrochetPaste
Saving clauses and form language for re-use	How-to	Content Companion (Litera) ; CounselHQ ; Create (BigHand) ; LitKit (for discovery responses and answers)
Creating templates and model documents for future work	How-to	HotDocs ; Contract Express ; Woodpecker ; LawYaw ; Content Companion (Litera) ; Create (BigHand)
Saving sources and legal authorities for re-use	Manually	LitKit ; Lexis for Microsoft Office ; Lexis+ ; Westlaw Edge

Take it to the Next Level

The tasks involved in re-using a document are not billable, so working efficiently is key.

One can invest substantial time to clone and adapt a document from prior client work to create a template. The long-term gains can be difficult to visualize. However, the practice of reaching into the old file is fraught with complications as previously mentioned.

Using customized documents can be dangerous because all provisions the lawyer may want to consider are removed from the document during drafting and are therefore missing and may not be properly considered, if at all, by the lawyer preparing the new document.

Using a template forces the lawyer to consider the alternatives and eliminates inapplicable language in each case. This may or may not improve one's speed but it will improve the lawyer's confidence in the work and the quality of the product. For lawyers who work in practice areas where a high volume of documents is produced with significant changes in each document, they should consider document automation. A document assembly allows the lawyer to efficiently draft and/or delegate drafting work to junior lawyers or paralegals or other support staff.



| STAGE 1: Planning, Structure, and Organization

The most effective documents are well-considered documents. Research on business communication shows that the most successful writers spend about 40% of their time planning and outlining before they write. When a drafter first considers their goals and the best method to present the information to accomplish those goals, their reader gets the most value from the message.

Assuming a Microsoft Word document is the best way to deliver the information, the drafter should establish a framework for the document to give it a cohesive look, visual structure, and provide dynamic online navigability. An outline can provide structure and logic for the document and ensure that no key arguments or clauses are missed.

When the drafter neglects to create an outline at the outset, Microsoft's smart formatting will apply automatically to anything the drafter creates that seems like it could be an outline. This causes legal professionals to unnecessarily struggle against Microsoft's smart formatting. Resisting automatic formatting and outlining can lead to a disjointed and confusing document that is difficult to navigate both on screen and on paper.

If this document will be submitted to a court, confirming, and applying required formatting will be essential. If this document will be used in a transaction, referring to specific paragraphs and provisions with linked cross-references will provide flexibility and maintain accuracy while the deal and its documentation evolve.

Tasks You Should Expect to Perform During Stage 1

- Considering the purpose of the document and visualizing how the information should be provided, how the information will be consumed, and how the information will be used

Part 2: Document Drafting Stages – |STAGE 1: Planning, Structure, and Organization

- Considering and choosing the best tool to communicate and deliver the information: Microsoft Word document, Microsoft Excel spreadsheet, Microsoft PowerPoint slideshow, PDF, HTML page, or screencast/video
- Visualizing and understanding the format and structure of the document
- Organizing, grouping, or segmenting to delineate its logical connections or flow
- Changing or setting default fonts
- Changing or setting default margins, orientation, and paper size
- Setting headers, footers, and pagination
- Creating an outline and 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.)

Important Initial Tasks to Consider

Task	Key Question to Consider
Choosing the best tool to communicate and deliver information	Consider your intended audience, the level of detail needed, and the amount of information to be conveyed.
Understanding the visual needs of the document	Can some of the information be better conveyed using a visual or an infographic, list, or outline?
Choosing how to organize the information in the document	Is this document more casual or formal in nature?

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Changing or setting default fonts	How-To	<i>Resist Select All!</i> Instead: launch the Styles Task Pane , choose Manage Styles at the bottom of the panel, then click on the Set Defaults tab. Establish the document's defaults for font and point size here. [The Normal Style receives its baseline from here. Note: this cannot be done with a macro.]
Creating an outline	How-To	Use a template where already in place, or use automation to add to existing documents: DocStyle ; DocXtools (Litera) ; Hyperstyles (BigHand) ; etc.

Task	Using Word	Professional-Level Tools
Organizing the document into sections	How-To	Template tools offer this through Page Numbering or Section creation tools, or it is incorporated when templates are used to create certain new documents.
Applying consistent outline numbering	About Outlining	DocXtools (Litera) ; DocStyle ; CCC Macros (Crowther Macro Systems) ; Create (BigHand) ; BrochetPaste

Take it to the Next Level

These tasks are far easier and more efficient if done while initially creating your document and developing its content.

Creating an outline should be part of creating a document. The drafter should be outlining the structure of the document in advance, whether it is a brief or contract. This ensures a logically coherent document and that no key arguments or clauses are missed.

The drafter should be familiar with any court requirements or house styles. If not, the drafter may need to research and understand exactly what is needed.



| STAGE 2: Research, Support, Analysis, and Argument

In the legal profession, research, support, analysis, and argument are the most highly valued parts of the document-creation process. Though this topic is often addressed, it is isolated from the rest of the process such that it keeps legal drafters from understanding where it fits in context.

The outsized reverence and extreme isolation of the process keeps legal professionals from questioning how the process could be more effective and efficient. In recent years, the toll of task-switching and the lost focus that comes from shifting between applications has become the subject of much organizational and behavioral research. Bringing legal research, model language, and practical references into the Microsoft ecosystem introduces efficiencies and unifies the workflow.

And even once the legal professional finds the right authority, they still must reference it, validate it, and cite it. Each task is a necessary part of making and supporting an argument or documenting a deal. But shifting between legal research platforms, practice guides, clause banks, and citation guides is

cumbersome and takes the legal professional out of the Microsoft ecosystem, which makes the process disjointed and inefficient.

Bringing these resources into the Microsoft ecosystem provides the drafter with better access to information and makes the process more efficient. With forethought and planning, legal professionals can also access and insert their own standard language and research from within the Microsoft ecosystem.

Tasks You Should Expect to Perform During Stage 2

- Researching checklists or model forms
- Researching alternate/updated language
- Accessing prior research from work folders
- Reviewing all legal authority
- Inserting hyperlinks to cases, research, the record, or supporting documents
- Validating all cited caselaw and confirming quotes
- Validating prior work product and examining subsequent history
- Reviewing opposing counsel’s legal authority

Research-Related Tasks You Should Expect to Perform During Stage 2

- Applying proper formatting and Style to citations
- 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

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Reviewing opposing counsel’s legal authority	Not applicable	Lexis for Microsoft Office ; CARA ; Clearbrief ; Westlaw Quick Check
Copying/pasting or access prior research from work folders or case map	[Ctrl-C]/[Ctrl-V]	Lexis for Microsoft Office ; Lexis+ ; Westlaw Edge
Inserting hyperlinks to cases or research	How-To	Lexis for Microsoft Office ; Best Authority (Litera) ; Clearbrief
Validating (Shepardizing®) prior work product and examine subsequent history	Not applicable	Lexis for Microsoft Office
Reviewing all legal authority	Not applicable	Lexis for Microsoft Office ; CARA ; Clearbrief

Task	Using Word	Professional-Level Tools
Researching checklists or model forms	Not applicable	Lexis for Microsoft Office; Westlaw Practical Law
Researching alternate/updated language	Not applicable	Lexis for Microsoft Office; Content Companion (Litera)

Take it to the Next Level

In recent years, legal research, case management, and workflow management offerings have grown more sophisticated and can now bring every part of a litigation or transactional workflow into a single hub on a user’s desktop. This streamlines the process and provides ready access to the tools a legal professional would need at any step in the process.

In the litigation context, it is now easier to store and reference prior research from within Microsoft Word. And most legal research services offer tools to analyze the legal authority cited in briefs and offer feedback on missing authority or stronger options to cite. Brief analysis tools can give the drafter confidence and help them constrain their research without worrying that they’ve missed the most relevant authority.

In the transactional context, the opportunity to review contract clauses, access practical guidance checklists, or draw from model forms provides the drafter with a starting point. As legal professionals create additional documents, they can create clause banks to use in future documents.



| STAGE 3: Creating Content and Delivering Information

Content is the heart of any legal document. Creating content is highly individualized—no two people will approach it the same way. However, readers have the same demands of every document: *deliver the necessary information in a readable and logical manner*. Placing the reader’s needs first guides best practices for legal document creation. A reader needs a readable, digestible document with obvious structure and logic that employs typographical elements such as headings, bullets, tables, charts, and graphics to organize and deliver complex information. And while the reader requires reference to legal authority, the reader is more concerned with what the authority means and how it is used rather than the mechanics and formatting. A successful legal writer will divide their efforts accordingly.

Legal documents are inherently complex documents because the content itself is complex. Therefore, readers need more headings, more bullets, shorter sentences, and shorter words if they are to understand the information provided then make deductions or draw conclusions from it. Building on an outline structure and applying Styles allows the drafter to use the Navigation Pane, which enables the drafter to manage an overwhelming amount of text by hiding it. It also allows the drafter to comfortably re-order text without introducing errors. These structures that help a writer stay focused when creating the document will also help the reader as they view the document.

In addition to clear structure, a document that doesn't feel like writing—it feels more like a spoken conversation—will be more effective. To capture that natural feel, writers must minimize anything that interrupts the process of putting words in a document. Clicking out of the document for reference material, tinkering with inserting symbols, struggling with inserting or moving text, looking up and applying citation formatting, and typing out long legally significant phrases are all activities that can distract the writer from the thoughtful application of law to fact and analysis. But all is not lost; a writer with basic technology competence in Microsoft Word can manage these activities that interrupt content creation. By drafting in the Microsoft ecosystem, content creation becomes both straightforward and flexible, while also providing robust functionality that can be further enhanced by Microsoft add-ins.

Another benefit of drafting in the Microsoft ecosystem is that it can also help rein in the overemphasis on the mechanics of citation. Because of the importance, frequency, and placement of cites in the body of the text, legal writers will spend most of their time attending to citation rather than argumentation and synthesis, which can lead to a weak document with poor flow and little structure organization. To craft an effective document, the writer cannot get stuck in the research, support, analysis, and argument stage and leave too little time for crafting content and designing a document where the reader will receive the intended message.

Once a writer finally does start, they will often get distracted when they try to use the information they've gathered. This disrupts the drafting flow and drags out the process for the writer, which, in turn, leads to a document that feels equally laborious for the reader. To break the tendency to overwhelm writing through habitually stopping to manage cites to caselaw or draw from clause banks and precedent documents, writers must learn that these resources are merely the foundation upon which the writer must construct the building. Using Microsoft add-ins to apply or conform formatting after drafting can help.

When a writer gets bogged down in the mechanics of the writing tasks and forgets to focus on meaning, the result is a document that is not fit for its purpose. The writer and the reader may both look at the same words, but their experience with those words and their relation to them is at odds. An effective writing process will reinforce the connection between the two.

Tasks You Should Expect to Perform During Stage 3

- Reviewing legal authority and integrating properly formatted citation
- Using list forms/bullets/tables/graphics to give information as appropriate
- Creating/moving/formatting footnotes or end notes
- Knowing how to copy/cut and paste including whether to merge formatting or not

- Using shortcut keystrokes for common symbols
- Creating a Table of Authorities
- Creating a Table of Contents
- Formatting block quotes
- Editing/setting different Styles throughout document
- Using voice-to-text transcription to draft substance when helpful

Content-Creation Tasks You Should Expect to Perform During Stage 3

- Making legal phrases consistent
- Inserting and updating cross-references
- Changing case/formatting
- Checking words in all caps
- Using autocorrect and custom dictionaries
- Editing for clarity, brevity, and length
- Proofreading and spellchecking, including checking words in all caps
- Consistency checking, including capitalization of defined terms and use of the Oxford comma

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Reviewing legal authority and integrating properly formatted citation	How-To	PerfectIt ; LegalEase Citations ; Lexis for Microsoft Office ; Litigation Companion (Litera)
Using list forms/bullets/tables/graphics to give information as appropriate	How-To SmartArt or How-To Tables	Content Companion (Litera) inserts or blocks feature w/in most template packages
Creating/moving/repairing, formatting footnotes or end notes	How-To	DocStyle ; DocXtools (Litera) ; some template packages include a macro to insert)
Knowing how to copy/cut and paste including whether to merge formatting or not	How-To	Hyperstyles (BigHand) ; Content Companion (Litera) ; LitKit (for transcripts and PDF text); some template automation tools offer this
Using shortcut keystrokes for common symbols	How-To Shortcuts	PerfectIt ; LitKit
Creating Table of Authorities	How-To	Best Authority (Litera) ; ezBriefs ; Lexis for Microsoft Office
Creating Table of Contents	How-To	DocStyle ; Lexis for Microsoft Office ; Create (BigHand)

Task	Using Word	Professional-Level Tools
Formatting block quotes	How-To	Retrieve from stored content, templates; Content Companion (Litera)
Editing/setting different Styles throughout document	How-To	DocStyle ; DocXtools (Litera) ; Hyperstyles (BigHand) ; apply templates
Editing for clarity, brevity, and readability	How-To	WordRake ; BriefCatch
Using voice-to-text transcription to draft substance when helpful	How-To	Dragon for Legal Professionals ; Digital Dictation (BigHand)

Take it to the Next Level

Automated aspects of creating content in a legal document can improve efficiency. A good lawyer knows how to shortcut commonly used words or symbols (such as the section symbol, for example) using keystroke shortcuts or autocomplete with abbreviations or copy and paste large portions of text in the correct format during the drafting process. A drafter who uses Styles properly can quickly create a Table of Contents or Table of Authorities, which can and should be done in seconds instead of manually created and reviewed as a legal document gets created.

In modern lawyering, when many readers review documents electronically, the visual appeal of a document can be crucial to its effectiveness. Typography tools such as bullet point lists and graphics and tables can increase the persuasiveness and clarity of a legal document when done correctly. A lawyer must also recognize the formatting requirements for the jurisdiction receiving the document and efficiently integrate them, such as using italics or underlined text, or whether to hyperlink to a citation.

Lawyers should take advantage of transcription tools in the drafting process to save time and “get pen to paper” in the first instance. As lawyers increasingly deliver services on-the-go, voice-to-text services can be useful in recording summaries, content, arguments, strategy, etc. when typing isn’t feasible or preferable.



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.

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.)

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Turning on, reviewing, accepting, rejecting, disabling Track Changes	How-To	Compare (Litera) ; NOVO Compare ; compareDocs (DocsCorp)
Displaying Simple Markup or All Markup	How-To	Compare (Litera) ; NOVO Compare ; compareDocs (DocsCorp)
Using, responding to, deleting, resolving, and hiding comment balloons	How-To	Use collaborative authoring with modern commenting to minimize multiple versions of the document
Setting name or initials as user to identify author of changes and/or changing color of edits and comments from different contributors	How-To Set Colors , How-To Change Author Name , and How-To Review Changes from Specific People	Not applicable
Saving and using consistent naming structure for new versions or use cloud-based document sharing platform	Organize and Name using Client Name, Matter Number, then amend V1, V2, V3, etc.	Use your document management system
Comparing documents/versions	How-To or use the Compare integration from your DMS provider	Compare (Litera) ; NOVO Compare ; compareDocs (DocsCorp)
“Locking down” finished document and restricting editing	How-To Protect w/a Password ; How-To Restrict Editing	Use Sensitivity Labels in M365
Using digital ink to mark up document (supported on tablets, touch devices)	How-To	Not applicable
Combining multiple authors’ comments and markup	How-To	Not applicable
Comparing documents of different file types (e.g., PDF to Microsoft Word)	Not applicable	Compare (Litera) ; NOVO Compare ; compareDocs (DocsCorp)

Task	Using Word	Professional-Level Tools
Reviewing documents side-by-side	How-To	Compare (Litera) ; NOVO Compare ; compareDocs (DocsCorp)
Sharing form language to be used consistently throughout sections of document	Manually	LitKit

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.



| 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.

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

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Creating a Table of Contents	How-To	DocXtools Numbering/ToC (Litera) ; Document Styling (BigHand) ; CCC Macro Pro

Task	Using Word	Professional-Level Tools
		(Crowther Macro Systems) ; DocStyle
Updating a Table of Contents	How-To	DocXtools Numbering/ToC (Litera) ; Document Styling (BigHand) ; CCC Macro Pro (Crowther Macro Systems)
Editing for brevity or to meet length restrictions	How To	WordRake ; BriefCatch
Editing to improve clarity, style, and readability	How To	WordRake ; BriefCatch
Proofreading text for typos, punctuation, and capitalization	How To	PerfectIt ; Contract Companion (Litera) ; LitKit
Checking text for consistency in legal phrases	How-To	Contract Companion (Litera) ; PerfectIt ; LitKit
Inserting and updating cross-references	How-To	Contract Companion (Litera) ; DocXtools (Litera) ; DocStyle
Conforming capitalization of words and captions to style guides	How-To	PerfectIt
Inserting, updating, and formatting footnotes and endnotes to conform to style guides	How-To	Not applicable
Creating a Table of Authorities	How-To	Litigation Companion (Litera) ; Lexis for Microsoft Office ; ezBriefs ; and Best Authority (Litera)
Conforming citations to citation manual, including converting underlines to italics	Manual Search + Editing & Formatting	PerfectIt ; Lexis for Microsoft Office ; and Best Authority (Litera)
Conforming citations to citation manual, including correcting capitalization, spelling, spacing, and punctuation of citation	Manual Search + Editing & Formatting	PerfectIt ; Lexis for Microsoft Office ; and Best Authority (Litera)
Conforming citations to citation manual, including non-breaking spaces and range punctuation	Manual Search + Editing & Formatting	PerfectIt ; Lexis for Microsoft Office ; LitKit ; and Best Authority (Litera)

Task	Using Word	Professional-Level Tools
Converting citations to use <i>Id.</i> and short cites to match citation manual	Manual Search + Editing & Formatting	Lexis for Microsoft Office ; LitKit
Adding exhibit numbers to citations or updating exhibit numbers	Manual Search + Editing & Formatting	LitKit
Create exhibit index	Manual Search + Editing & Formatting	LitKit

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.

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.



| STAGE 6: Finalizing the Document: Last Steps Before Completion

When the document is complete, but before it leaves the office, the legal professional responsible for the document should go through the finalization process. This is the last opportunity to ensure the document conforms to accessibility guidelines and meets all substantive and non-substantive requirements for compliance with court, government, or other rules. It's also an opportunity to confirm that your document meets visual and functional expectations. For example, check for how text appears on screen, wraps around graphics and tables, and interacts with page breaks.

Importantly, legal professionals who work with federal agencies, e-file documents in court, or submit documents to government agencies must meet Section 508 accessibility standards. Under Section 508 of the Rehabilitation Act, any information available to members of the public and federal employees if developed, procured, maintained, or used by federal agencies must be accessible for people with physical, sensory, or cognitive disabilities. So, checking for accessibility should be part of the finalization process. Microsoft has built-in capabilities to verify accessibility of all content, including adding alternate text on images, navigating between the tables in a document, and adding active hyperlinks and email addresses.

Note that cross-references, bookmarks, and similar automated references can break when their targets are removed, or content is modified above them. Make checking and updating cross-references, bookmarks, the Table of Contents, numbering, and any other automated references part of your finalization checklist. And if you are preparing a document for court or another circumstance where word and character limits apply, verify the counts using Microsoft Word. (Be sure to adjust your settings to tell Microsoft which content contributes to the final count.)

Tasks You Should Expect to Perform During Stage 6

- Verifying word counts
- Verifying accessibility
- Generating the Tables of Contents, figures or tables
- Ensuring consistent use of cross-referencing
- Reviewing pagination (margins, headers/footers, page numbering, line- and page-endings, repeat headers or breaking of table rows)
- Clearing document properties (metadata) especially if document was duplicated from prior work
- Inserting hyperlinks to cases, research, the record, or supporting documents

Part 2: Document Drafting Stages – | STAGE 6: Finalizing the Document: Last Steps Before Completion

- Reviewing document for accurate names, dates, addresses, accurate terms and/or currency values
- Reviewing the document for tracked changes and/or comments, and resolving all
- Generating a PDF for delivery, verifying links and bookmarks are present and correct, checking redactions, watermarks, and passwords (if applicable)

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Verifying word count	How To	Not applicable
Verifying accessibility	How To	Publish to PDF, then use Adobe Acrobat
Generating the Tables of Contents, figures or tables, ensuring consistent use of cross-referencing	Not applicable	Contract Companion (Litera) ; DocXtools Companion (Litera) ; Lexis for Microsoft Office ; Drafting Assistant (Thomson) ; DocStyle ; PerfectIt (for enforcing consistency of tables and figures)
Analyzing metadata	How-To	Metadact ; Metadata Management (BigHand) ; PuR MetaData
Checking compatibility	How-To	DocXtools (Litera)
Reviewing document for accurate names, dates, addresses, terms and/or currency values	Manual, on-screen review	Drafting Assistant (Thomson Reuters) ; Contract Companion (Litera)
Resolving comments and tracked changes	How-To Accept/Reject and How-To Resolve Comments	Not applicable
Redacting	How-To	LitKit ; Adobe Acrobat
Adding signature pages	How-To	<i>Automated within all the major template packages</i>
Preparing for digital signing	How-To	DocuSign ; Adobe Sign
Adding watermarks	How To	<i>Automated within all the major template packages</i>
Locking the document for editing	How-To	Use Sensitivity Labels in M365
Reviewing pagination	How-To	Not applicable
Generating a PDF for delivery	How-To <i>Note: Do not use Microsoft</i>	LitKit ; Adobe Acrobat

Task	Using Word	Professional-Level Tools
	<i>Print as PDF as it eliminates hyperlinking</i>	

Take it to the Next Level

A document that will be delivered in printed form must make the most efficient and logical use of the physical page—it must also comply with any requirements of the recipient. Any adjustments made for printing will also benefit a document intended for electronic use. A drafter who has adequately completed the tasks in the on-screen review stage, below, should be prepared to print a document.

To optimize a document for printing, review line-, paragraph-, and page-endings for wasted space or thoughts unnecessarily broken across multiple pages. (These individual words left on their own lines or lines separated from the rest of a paragraph at the top or bottom of a page or column are called “widows and orphans.”) These space-wasters and thought-breakers can be managed automatically in Microsoft Word. The same thinking applies to tables in a document. Make sure that all lines of a table are kept together or break logically. Use Repeat Header Rows to ensure column headings are visible when the table breaks across a page. (Making these adjustments for printing before editing is complete means you must repeat the task before printing.) Microsoft gives drafters several options to locate these issues, including Multiple Page mode or Print Preview.

Legal writing may be delivered electronically as a Microsoft Word document or as a PDF. Microsoft’s functionality, such as cross-references, hyperlinks, outline numbering, clickable Table of Contents and page numbering seamlessly transfer to PDF format, enabling superior navigation and usability in a PDF reader. The drafter may also use hyperlinks to bring in outside resources and reference supporting documents, the court docket, or research. If the document will be e-filed, the drafter should confirm accessibility as discussed in the finalization stage, such as an inclusive Table of Contents and/or table of figures or tables that provide the consumer with easy methods to navigate the document.



STAGE 7: On-Screen Review: Navigating and Reviewing Electronic Documents

On-screen review can be part of any of drafting stage, but will be most important during collaboration, review, or finalization processes. When creating a document, legal professionals will often compare two similar documents or reference a set of definitions in one part of the document while drawing on those

defined terms in a distant part. Whether working with one long document or multiple documents, effectively using Microsoft’s on-screen review features improves the process. One of the most useful, but overlooked features, is the option to view documents side-by-side and synchronously scroll, which allows for easy comparison between two documents. Another is the split-screen view, which makes it easy to display a cross-reference target in the top half of the window, while showing the reference in context in the bottom half of the window.

On-screen review can give the drafter and the reader a complete picture of how a document fits together, while also allowing for hiding or minimizing portions of the document to reduce distraction and overwhelm. Using styled headings activates the Navigation Pane, which reveals outline levels in the document, offers quick navigation through the document, and reduces the need to scroll large chunks of the document by collapsing (hiding) information at the heading level. It can also reveal document elements or weaknesses that might not otherwise be apparent.

When collaborating, the flexibility of on-screen review makes it easy to review, accept, dismiss, or hide feedback using Comments and Track Changes. Controlling the granularity of changes shown and the ability to ignore an overzealous commenter can make a daunting process manageable.

Tasks You Should Expect to Perform During Stage 7

- Viewing and comparing documents side-by-side
- Using the Navigation Pane
- Checking the Style Area view
- Activating Show/Hide mode
- Printing/previewing
- Splitting the screen
- Viewing multiple pages
- Collapsing/expanding headings
- Reviewing suggested revisions: Simple Markup, All Markup, No Markup, Show Markup
- Showing/hiding ink

How to Accomplish Key Tasks

Task	Using Word	Professional-Level Tools
Viewing and comparing documents side-by-side	How-To	<i>Note: You will use these within specific workflows. As such, adding them to the Quick Access Toolbar as shortcuts or using tools from in your template package (BigHand) or incorporated into automated workflows such as DocXtools, or Contract Companion (e.g., Style View and/or Split Views)</i>
Using the Navigation Pane	How-To	
Checking the Style Area view	How To	
Activating Show/Hide mode	How To	
Printing/previewing	How-To	
Splitting the screen	How-To	

Task	Using Word	Professional-Level Tools
Viewing multiple pages	How To	
Collapsing/expanding headings	How-To	
Showing/hiding ink	How-To	

Take it to the Next Level

Microsoft Word’s Show/Hide feature can display control characters such as paragraph endings, manual line breaks, tabs, non-breaking hyphens, non-breaking spaces, page, column or section breaks, and fields which generate automatic content (*e.g.*, Tables of Contents, page numbering, etc.). Use this feature to display these characters and codes. It is also helpful for troubleshooting formatting issues, especially in recycled documents.

Similarly, understanding the view settings in Microsoft Word’s Track Changes feature to dismiss or make visible specific markup, such as comments, insertions, and deletions is critical during any review process where change tracking is enabled.

It is also possible in Microsoft Word to collapse and expand headings. This collapses all levels below the heading until the next heading level 1. This view is useful for collapsing areas of the document, thus reducing the need to scroll large chunks of the document. This view can be alarming when collapsed—the collapsed sections are not visible—causing the document to appear as if it is missing pages.

Part 3: Conclusion

The goal of this working group is to shift the conversation from efficiency to effectiveness, so we may challenge how we think about document creation in the legal profession. This paper reflects contributions by people in the legal profession who think deeply about the document-creation process and are constantly striving to improve it. We hope it encourages people to change how they approach the document-creation process, value the work, and evaluate the results.

Understanding that the legal document-creation process is highly individualized, we sought to provide guidance that is specific, yet flexible so it could be used for benchmarking and training in the legal profession. We hope this document serves as a resource for legal professionals who may not have been aware of their inefficiencies, and a roadmap for professionals who want to grow.

We also hope this document becomes a benchmarking tool for legal technology solutions providers. To innovate, we must understand our current state and measure our progress against a known baseline. By identifying and specifically valuing parts of the drafting process, we can know whether technology tools deliver their promised value and guide technologists to improve parts of the process best addressed through technology. This understanding should help legal professionals who make purchase decisions as well as legal technologists who make the solutions because we can answer: Is this better or more efficient? Before now, that question was always followed with: Compared to what?

We hope this project helps legal professionals at large and small firms, in corporations, classrooms, and courtrooms, understand best practices for efficiently creating an effective legal document. We hope to teach legal professionals to question the work they do and actively seek more efficient methods. And we want technologists to focus on those needs.

Part 4: About the Effectiveness Project Team

| Creating this Team

The Effectiveness Project was conceived by Ivy B. Grey from WordRake, a frequent speaker and author on the duty of technology competence and a legal technologist creating legal writing improvement tools. Knowing that LTC4 had a global reputation and had developed the standard for technology efficiency, Ivy pitched the idea of creating something with a broader impact with representation for stakeholders across the legal ecosystem. LTC4 Contributing Member Tony Gerdes then joined the effort.

The goal was to create a team comprising legal professionals intimately familiar with the document-creation process—with an incentive to continuously to improve the process, track, and try every technology tool offered. Legal technology vendors specializing in improving the document-creation process were ideal for the team. Vendors who specialize in Microsoft add-ins must evaluate competing technology and are always challenged to show how their solution differs from and improves upon built-in features. A collaboration that embraced rather than shunned vendor involvement introduced a level of document expertise and industry knowledge unseen in other collaborations.

To balance the team, we also invited academics, lawyers and allied professionals, and technology trainers to participate. From academia, we were fortunate to find a team member who excelled at the intersection of quality legal writing and innovation.

Our team of experts defined the problem and crafted a useful solution. This working paper results from several months of work and analysis.

| Effectiveness Project Team Leadership

Ivy Grey is a legal tech entrepreneur, writer, and former practicing lawyer. She is the Vice President of Strategy & Business Development for WordRake, the creator of American Legal Style for PerfectIt, and an advisor to Intelligent Editing Ltd. Prior to joining the WordRake team, she practiced bankruptcy law for ten years. Ivy was recently recognized as a 2020 Influential Woman in Legal Tech by the International Legal Technology Association (ILTA). She has also been recognized as a Fastcase 50 Honoree and included in the Women of Legal Tech list by the ABA Legal Technology Resource Center.

WordRake is a powerful add-on for Microsoft Word that helps professionals seamlessly edit for clarity and brevity. Like an editor or helpful colleague, WordRake ripples through your document checking for needless words and cumbersome phrases. Its complex algorithms quickly find and improve weak lead-ins, confusing language, and high-level grammar and usage slips. It presents its suggested edits in the familiar tracked changes format.

Tony Gerdes is the Director of Knowledge and Innovation at Offit Kurman, P.A. He also serves as a Contributing Member of LTC4™ (Legal Technology Core Competencies Certification Coalition). In this capacity, he works with legal technology experts to update LTC4's Core Competency Learning Plans and produces "Trainer Talk" videos for LTC4's Global Digital Learning Network. And Tony has implemented

professional development and certification programs at his own firm and supported trainers around the world.

LTC4 is a non-profit organization that has established legal technology Core Competencies and certification that law firms, law departments, and law schools can use to measure ongoing efficiency improvements. These workflow-based Core Competencies are available for various topics, including: Working with Legal Documents, Managing Documents and Emails, Time Recording, Working Remotely, and Security Awareness.

| The Effectiveness Project Team

The team 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
- **Dyane L. O'Leary**, Associate Professor of Legal Writing and Director, Legal Innovation & Technology Concentration, Suffolk University Law School

With contributions from:

- **Alma Asay**, Founder, Allegory
- **James Gillis**, Estates and Trusts Attorney, Offit Kurman, P.A.
- **Douglas Lusk**, Founder, National Society for Legal Technology

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