

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

Modules from A Discussion of Document-Creation Workflows and Best Practices Guide



MODULE FOR STAGE 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 legal research, model language, and practical references into the Microsoft ecosystem introduces efficiencies and unifies the workflow.

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

Here's How You Can 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.

As legal professionals create additional documents, they can create clause banks and rule statements to use in future documents.

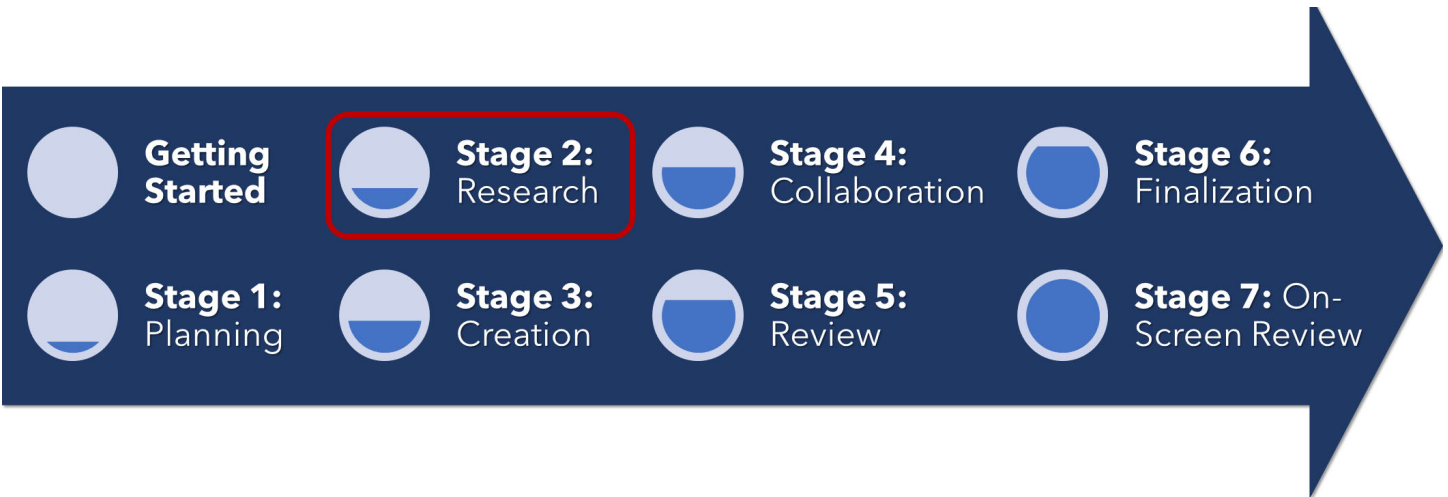
In the transactional context, the opportunity to review contract clauses, access practical guidance checklists, or draw from model forms provides the drafter with a starting point. As legal professionals create additional documents, they can create clause banks to use in future documents.

Effective Research, Support, Analysis, and Argument Checklist

Have you completed these research, support, analysis, and argument tasks?	Here's How to Do It in Word	Work More Efficiently with These Professional-Level Tools
<input checked="" type="checkbox"/> Reviewed opposing counsel's legal authority	Not applicable	Lexis for Microsoft Office ; CARA ; Clearbrief ; Westlaw Quick Check
<input checked="" type="checkbox"/> Copied/pasted or accessed prior research from work folders or case map	[Ctrl-C]/[Ctrl-V]	Lexis for Microsoft Office ; Lexis+ ; Westlaw Edge
<input checked="" type="checkbox"/> Inserted hyperlinks to cases or research from Links group in Insert tab	How-To	Lexis for Microsoft Office ; Best Authority (Litera) ; Clearbrief
<input checked="" type="checkbox"/> Validated (Shepardized®) prior work product and examined subsequent history	Not applicable	Lexis for Microsoft Office
<input checked="" type="checkbox"/> Reviewed all legal authority	Not applicable	Lexis for Microsoft Office ; CARA ; Clearbrief
<input checked="" type="checkbox"/> Researched checklists or model forms	Not applicable	Lexis for Microsoft Office ; Westlaw Practical Law
<input checked="" type="checkbox"/> Researched alternate/updated language	Not applicable	Lexis for Microsoft Office ; Content Companion (Litera)

NOTE: When surveyed, legal practitioners suggested that non-substantive document-creation tasks should take no more than 5 minutes per page. If you are spending more than 5 minutes per page, please consider technology training or trying a professional-level tool that will improve your efficiency and effectiveness.

Putting the Research, Support, Analysis, and Argument Tasks in Context



About the Effectiveness Project

This module is an excerpt from a comprehensive working paper by the Effectiveness Project team. The Effectiveness Project is an ongoing collaboration of legal professionals that seeks to provide a clear framework for document creation through identifying best practices, suggesting baseline skills, and offering curated how-to resources. The group was formed in March 2020 and released its working paper in August 2021.

The team is led by Ivy B. Grey, former practicing lawyer and Vice President of Strategy & Business Development for WordRake and Tony Gerdes, Director of Knowledge and Innovation at Offit Kurman, P.A., and Contributing Member of LTC4™ (Legal Technology Core Competencies Certification Coalition). The group also includes Rachel Baiden, Global Technology Training Manager, Squire Patton Boggs; Adrian Bailey, Chief Architect, DocStyle, LLC; Chris Cangero, Chief Executive Officer, DocStyle, LLC; Dave DiCicco, Senior Director of Product Management, LexisNexis; Florentina Field, Co-Founder of Prelimine, Litigation Attorney; Jacob Field, Co-Founder of Prelimine; Sherry Kappel, Evangelist, Litera; Colin Levy, LegalTech Evangelist and Blogger; and Dyane L. O’Leary, Associate Professor of Legal Writing and Director, Legal Innovation & Technology Concentration, Suffolk University Law School. The Effectiveness Project also received contributions from Alma Asay, Founder, Allegory; James Gillis, Estates and Trusts Attorney, Offit Kurman, P.A.; and Douglas Lusk, Founder, National Society for Legal Technology.

Resources to Learn More About the Need for Document Competency

| General Introduction:

1. [The Lawyer's Guide to Microsoft Word 2013](#) by Ben M. Schorr
2. [Microsoft Word for Lawyers](#) by the Lawyerist
3. [Formatting Legal Documents with Microsoft Word 2016](#) by Jan Berinstein, Ph.D.
4. [Wildcard Cookbook for Microsoft Word](#) by Jack Lyon
5. [Macro Cookbook for Microsoft Word](#) by Jack Lyon

6. [Microsoft Word For Legal Practitioners](#) by Monica Korf

| Comprehensive:

1. Eugene Volokh, *Chief Justice Robots*, 68 Duke L.J. 1135 (2019) (discussing the roles for AI in legal practice, including writing briefs).
2. Ivy Grey, *Ethical Duty of Technology Competence: What Lawyers Need to Know* (Aug. 2020) available for download at https://www.wordrake.com/tech_competence
3. Heidi Frostestad Kuehl, *Technologically Competent: Ethical Practice for 21st Century Lawyering*, 10 Case W. Res. J.L. Tech. & Internet 1 (2019).
4. E-Book: *The Lawyer's Guide to MS Word Training and Resources*, Intelligent Editing June 22, 2019), <https://legal.intelligentediting.com/blog/free-e-book-the-lawyers-guide-to-ms-word-training-and-resources/>
5. "Smart" Lawyering: *Integrating the Duty of Technology Competency into the Legal Writing Curriculum*, 19 U.N.H. Law Rev. 197 (2021) (Section IV(A)) available at <http://ssrn.com/abstract=3671632>.