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## An Editing Checklist

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AN  
EDITING  
CHECKLIST



by

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authors' book, The Lawyer's Guide to Writing  
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**L**ike children, flower gardens, and romantic relationships, your writing will benefit immeasurably from close attention. As a professional, you aim to tell, explain, advocate, persuade. You cannot succeed in those ambitions when your prose is unclear, and, if you supply your audience with a first draft only, you will surely fail. No good writing goes unedited.

Here is a checklist that, if followed, offers one reasonable way to ensure that your writing clearly expresses your thought and meaning. It is not the only way to proceed—after a little experimenting, you may find a procedure that suits you better. But this checklist underscores that you will work more efficiently if you edit in several discrete steps. Begin comprehensively by considering whether your writing is properly organized. End more minutely by proofreading the revised document thoroughly. In between, check your document for several specific problems.

## Edit for Structure

### *Major sections*

• WILL YOUR READER UNDERSTAND WHY YOU HAVE GROUPED EACH PART OF YOUR DOCUMENT AS YOU HAVE?

Place yourself among your intended audience and determine if your structure makes sense. Consider whether you have incorrectly assumed knowledge of facts and law that your readers might not possess, whether you have answered all questions

explicitly or fairly raised by your presentation, and whether each section sensibly flows from the one that preceded it. If your transitions between sections are confusing or do not work, parts of your discussion may be out of order. Read through once and hone in exclusively on the transitions to see if they are seamless.

• **HAVE YOU CONSCIOUSLY WRITTEN A LEAD?**

The lead—your first paragraph or two—is a signpost, a means of orienting the reader to the path to be taken. As such, it requires special care. Now that you have finished your document, does your original lead still work? Does it compel your reader to continue reading? Does it tell what's to be found in the document and why?

Here is a lead sentence to a typical memorandum written by a young associate in a law firm: "I have been asked to research our options with regard to a potential lawsuit." These are wasted words. First, why identify himself as the one asked to do the research? Of course he was asked or he would not be writing the memo. Second, why recite the assignment instead of giving the results? Third, why be vague about the lawsuit in question. The following lead points the way much more quickly and clearly: "Our client, William Jones, has three options to consider before filing his suit against John Smith."

• **HAVE YOU WRITTEN A CONCLUSION THAT SHOWS THE READER YOU HAVE ACCOMPLISHED WHAT YOU SET OUT TO DO?**

If your lead provides a road map, your concluding paragraph should show that you have reached your destination. Remember that some readers, upon re-reading a document, look only at the lead or the conclusion. Take extra time in editing both.

### *Paragraphs*

• **IN EACH PARAGRAPH, DOES THE TOPIC SENTENCE EXPRESS THE SENSE OF WHAT FOLLOWS?**

You must find a way comfortable way to tell the reader what each paragraph is about. You should enable the reader to glean the substance of the document from the topic sentences alone.

*A paragraph without an effective topic sentence:* Judge Jones begins by describing the facts. After considering each element of the statute, she summarizes reasons for believing that the plaintiff might prevail. After 50 pages she shows that each argument was fallacious, and eventually she gives judgment for the defendant.

*A topic sentence to begin the paragraph:* Judge Jones's methodical opinion may mislead the unwary reader who does not read far enough to find her ruling for the defendant.

• IS YOUR TOPIC FLOW CONSISTENT WITHIN EACH PARAGRAPH?

The topics—that is, the central focus—of each sentence must be closely related. If they are not, you may need to shift unrelated points to their appropriate places in your document. Look to see whether your sentence tells its story or disguises it in a faulty topic.

*Faulty topic flow (topics in italics):* An accredited law school must graduate lawyers before the bar examination is open to them to take. *The bar* will not admit them to practice until they pass the exam. Only then can *they* hang out a shingle. And even then, *the finer points of law practice* will elude them; it will be many years before *they* can practice comfortably. *That experience* is not gained overnight.

*Revised:* Lawyers must graduate from an accredited law school before they may take the bar examination. Not until passing it may *they* be admitted to the bar and hang out a shingle. Even then, it will be many years before *they* can comfortably say they understand the finer points of law practice. *They* cannot gain that experience overnight.

- ARE THE TRANSITIONS BETWEEN SENTENCES AND PARAGRAPHS COHERENT? WILL YOUR READER UNDERSTAND WHY ONE PARAGRAPH FOLLOWS ANOTHER?

*Faulty transition:* The lawyers have been working on the brief all week. It is due in court at 3 pm. However, they might cajole the judge into granting an extension.

*Revised:* The lawyers have been working on the brief all week, and now they are running out of time. The brief is due in court at 3 pm, but it will require at least another day's work. However, they can probably obtain an extension.

## Edit for Length

- IF YOU WERE IN YOUR READER'S PLACE, WOULD YOU PORE OVER EVERY WORD IN FRONT OF YOU?

What subsidiary issues and minor points can you prune—or eliminate? First (and second and even third) drafts always contain excess verbiage. You can surely shed more than a quarter of your original words without destroying the document's sense.

Most of us have been taught, perhaps subliminally, that length equals quality and effort. The lengthier paper, we falsely assume, takes more time to write than the short one.

- CUTTING SHOULD BE DONE IN TWO STEPS—IN THE LOOSE JARGON OF OUR AGE, THE EDITOR SHOULD TAKE A “MACRO” CHOP AND A “MICRO” SLICE.

The macro chopping excises unnecessary substantive discussion. The micro slice removes clutter, verbiage, obviousness, windy phrases, and redundancies.

To combat verbosity, play a game: Pretend that you will be paid inversely to the number of words you write—or that *you* must pay for the words you use. Chop, cut, slice.

## Redundancies

*Eliminate the words in italics:* The *general consensus of opinion* was that the *remaining* balance of the trust could be distributed.

## Verbosity

*Wordy:* The plaintiff *commenced an action claiming* that he had been injured.

*Revised:* The plaintiff claimed he had been injured.

## • ARE YOUR SENTENCES TOO LONG? CAN YOU SPLIT SOME OF THEM APART?

Remember that even the maxim “one thought per sentence” may not apply if the thought is too complex. Then one thought may require two or three sentences.

A simple test: Read the sentence aloud. If you have to take a breath, or if you get lost in your recital, the chances are your sentence is overly long.

*Overlong sentence:* In *Chiarella*, the Supreme Court reversed the conviction under Sect. 10(b) of the Exchange Act of an employee of a financial printer who had purchased the stock of companies that were about to become the targets of tender offers after learning of the proposed tender offers from documents that the acquiring companies had submitted for printing.

*Revised (split into three sentences):* In *Chiarella*, the Supreme Court reversed the conviction of an employee of a financial printer under Sect. 10(b) of the Exchange Act. The employee had purchased the stock of companies about to become targets of tender offers. He bought the stocks after learning of the proposed tender offers from documents that the acquiring companies had submitted for printing.

## Edit for Clarity

- EXCISE LATINISMS, LEGALESE, BUREAUCRATESE, AND POMPOSITTY.

Most legal jargon is fuzzy and quite avoidable. In *Plain English for Lawyers*, Professor Richard C. Wydick of the University of California School of Law at Davis writes: "Lawyerisms are words like *aforementioned*, *whereas*, *res gestae*, and *hereinafter*. They give writing a legal smell, but they carry little or no legal substance. When they are used in writing addressed to nonlawyers, they baffle and annoy. When used in other legal writing, they give a false sense of precision and sometimes obscure a dangerous gap in analysis."

- RUTHLESSLY ELIMINATE FUZZY PHRASES.

Why say "concerning the matter of" or "with regard to" when "about" will do just fine?

- SCAN FOR USAGE MISTAKES.

English usage is a matter of custom, not logic, and lawyers disregard at their peril the consensus of usage experts. (The Glossary to our book, *The Lawyer's Guide to Writing Well*, contains rules governing the most common forms of usage errors that lawyers make.) For example, it's not "the debate *as to*" but "the debate *over*"; not "the document *is comprised of* four paragraphs" but "the document consists of four paragraphs"; not "he was fired *due to* his incompetence" but "he was fired because he was incompetent" or "his dismissal was due to his incompetence."

- DOUBLE CHECK TROUBLESOME WORDS.

Do they mean what you think they do? You need a comprehensive dictionary as your constant ally, and if you still confuse "disinterested" with "uninterested," "affect" with "effect," or "lie" with "lay"—as many lawyers do—you probably should consult one of several books that pinpoint common mistakes in vocabulary.



• AVOID THROAT-CLEARING PHRASES AND CLICHÉS.

A throat-clearing phrase is one that you might say aloud to stall for time when thinking about what you want to say. When you write, you have no reason to stall. Don't say, "The next issue I want to deal with" when you can simply say, "The next issue . . ."

A cliché is an overworked expression that signals a writer's laziness or fatuousness. Sometimes useful in spoken colloquial English, the cliché brands the writer as inexperienced and boring.

• LOOK FOR NEGATIVES.

Try to rewrite in the affirmative. Often you can substitute a different word to avoid using "not." For example, instead of saying "he did not remember," say "he forgot." George Orwell said that it should be "possible to laugh the *not un-*formation out of existence." The cure, he suggested, is to memorize this sentence: "A not unblack dog was chasing a not unsmall rabbit across a not ungreen field."

• RIGOROUSLY SEARCH FOR NOMINALIZATIONS AND REPLACE WHICHEVER ARE UNNECESSARY.

Freezing the action of verbs into nouns is what grammarians call nominalization. Put the action of the sentence in the verb; remove it from the noun and eliminate the flabby verb used to carry the nominalization.

*Unnecessary nominalization:* We carried out an *analysis* of the blood samples.

*Revised:* We *analyzed* the blood samples.

• AVOID UNNECESSARY PASSIVE VERBS. FIND PASSIVE VERBS AND JUSTIFY THEM OR REMOVE THEM.

Make the agent of the action the subject of the sentence; don't omit the agent unless you have a good reason.

*Unnecessary passive:* The lease *was signed* by the tenants.

*Corrected:* The tenants signed the lease.

- ELIMINATE STRINGS OF PREPOSITIONS.

Too many prepositional phrases obscure the point of the sentence or force the reader to absorb too many points, as in the following sentence: "If judges will express their ill-informed evaluations *of* cases they know little about, lawyers will make use *of* those expressions, both *as* advocates and occasionally *for* the less worthy purpose *of* passing the buck *of* responsibility *for* the bad news they should have given *to* clients *as* their own judgments *of* the merits *of* the clients' positions."

- MINIMIZE YOUR USE OF "THERE IS," "THERE WAS," AND SIMILAR PHRASES.

This construction obscures the action in a phrase that, repeated frequently, is numbing. If you find yourself opening sentences with "there is," "there was," or a similar phrase more than once or twice in a document, go back and find alternatives. For example, shorten "*There is no case law that specifically addresses the question,*" to "No case law specifically addresses the question."

- DISTINGUISH BETWEEN "THAT" AND "WHICH."

A sharp distinction between these two relative pronouns is no longer an absolute rule, but the distinction is still worth observing. Simply stated, "that" introduces a clause meant to define the noun it follows. A comma never precedes "that" when used in this way. "Which," always preceded by a comma, introduces subsidiary information. Compare: "He read the brief, which was typed yesterday" with "He read the brief that was typed yesterday." The first sentence suggests that there is only one brief; the time of its typing is a subsidiary fact about it. The second sentence implies the existence of more than one brief; the information about typing serves to identify the particular brief.

• REVIEW YOUR GRAMMAR AND BASIC STYLE FOR

*Subject-verb agreement*

*Faulty agreement:* Mere recitations of the legal issue presented to the court *does* not constitute sufficient pleading. *Revise* the sentence by substituting “do” for “does”: the subject is “recitations,” a plural noun.

*Dangling participles*

*Dangling:* Before *addressing the specific paragraphs in the complaint*, some general comments are in order.

*Rewritten:* Before addressing the specific paragraphs in the complaint, I offer these general comments.

*Misplaced modifiers*

*Misplaced:* Likewise, defendants’ assertion that injunctive relief is *only* to be granted when trade secrets are involved is simply not the law.

*Rewritten:* Likewise, defendants err in asserting that injunctive relief is to be granted *only* when trade secrets are at stake.

*Problems of parallelism*

Equivalent elements of a sentence must be constructed in an equivalent way. If one clause uses a verb in the present tense and active voice, the other should not use a passive or the verbal form ending in “ing.”

*Faulty parallelism:* Committees usually *make* recommendations to the full board rather than *taking* official actions of their own.

*Revised:* Committees usually make recommendations to the full board rather than take official actions of their own.

*Split infinitives*

Placing an adverb immediately after the “to” in the infinitive form of the verb (“to boldly go”) splits the infinitive. A rule

prohibiting split infinitives was once immutable; today, however, writers should regard it as a principle to be followed when possible.

### *Antecedents*

A missing antecedent—the word to which a later pronoun refers—can make even the simplest sentence confusing. For example, in this sentence: “The defendant looked wildly about the room, *which* was evident to all the jurors,” the syntax suggests that “which” refers to the room but the sense suggests that it refers to the action in the preceding clause as a whole. Rewrite it as follows: “The defendant looked wildly about the room, a gesture evident to all the jurors.”

### *Possessive pronouns*

A pronoun that modifies a gerund (a verb ending in “ing” used as a noun) ordinarily must be in the possessive form.

*Incorrect:* The police objected to *them* carrying guns.

*Corrected:* The police objected to *their* carrying guns.

## Edit for Continuity

Now start over with a clean version of your document, incorporating the changes you have made in your previous edits.

- DO FIRST REFERENCES TO PERSONS, CASES, OR OTHER PARTICULAR THINGS FULLY IDENTIFY THEM?
- DO YOUR TRANSITIONS STILL MAKE SENSE?
- IF YOU SAID SOMETHING IS “ABOVE” OR “BELOW” ARE THEIR RELATIVE POSITIONS STILL ACCURATE?

Many word-processing programs now have automatic cross-referencing features that will “remember” and record references to page numbers even when blocks of material are moved around.

## Proofread

- CHECK YOUR SPELLING.

Even if your document has been fed through a “spell checker,” go back and read it again, dictionary at your side. Spell-checkers aren’t perfect, and they do not catch homonym errors (“there” for “their”).

- CORRECT OTHER TYPOGRAPHICAL ERRORS (FOR EXAMPLE, MISSING WORDS, TENSE ENDINGS, PLURALS).

- MAKE SURE YOUR STYLE IS CONSISTENT

Be consistent in such matters as capitalization, use of honorifics, abbreviations, spelling out of numbers, and citation forms.

- PUNCTUATE PROPERLY.

*Incorrect:* The judge usually denies such motions, however, in your case he will make an exception.

*Corrected:* The judge usually denies such motions. In your case, however, he will make an exception. *Or:* The judge usually denies such motions; however, in your case he will make an exception.

\* \* \*

Finally, put your document aside; let it rest. Then read it one more time from the perspective of your intended audience.



### *Colophon*

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