

Editing and Rewriting

Advanced Legal Writing

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Outline

Editing and Rewriting

Assignment

Goal and Tasks of Editing

Goal transform the written product into a cohesive, logical, and persuasive document

Tasks proper editing may require

- reframing the issue or thesis

- structural edits

- rewriting

- additional research or review of research materials

- proofreading

Reframing the Issue or Thesis

Does the statement of the issue or thesis effectively frame the question presented?

- reflect the appropriate law

- use material facts to tie the law to your case

- reflect the answer to the question

Sample Issue Statement

In the Fairview public school system, the written policy is that the system will expel a student who “brandishes any object resembling a gun on school property.” Jamie, a fifth-grader at Fairview Elementary, formed his hands into the shape of a gun and then allegedly mimed the shooting of a fellow student. The system has now expelled him. Did he “brandish an object,” and was he properly expelled?¹

¹Bryan Garner, *Going Deep: The key to effective pleadings is a clear and succinct statement of the issues—and here’s how to do it.* ABA J., Mar. 2017, available at https://www.abajournal.com/magazine/article/effective_pleadings_issue_framing/.

Themes

introduce themes in the beginning

use the themes throughout the document

Sample Themes

Examples from trial for murder of Ahmaud Arbery

Prosecution themes: (video of prosecution closing argument)

assumptions

driveway decisions

Defense themes: (video of Greg McMichael closing argument)

safe, secure neighborhood

protecting neighborhood from invaders

High-Level Organization

Do you use the appropriate form?

Do you use a logical organizational structure (with headings), reflecting the necessary elements/factors?

Do you have a proper introductory paragraph with a roadmap?

Do you end with a concluding sentence or paragraph?

Does each section directly support your main thesis or issue?

Does each paragraph support the thesis or issue of the section that it falls under?

Do you use IRAC/TREAT?

How frequently do you mention your themes?

Do you consider primacy/recency?

Filling in the Missing Links

Are there any gaps in your logic?

Do you assume the reader has knowledge of any facts or law?

Do you give the reader enough about the facts of the case law for them to understand your explanation of the case law?

Paragraph-Level Organization

Does the first sentence of each paragraph reflect the main idea of that paragraph? (If not, write a new topic sentence.)

Does every sentence of each paragraph support the idea reflected in the first sentence of that paragraph? (If not, consider splitting the paragraph into multiple paragraphs.)

Sentence-Level Editing

Does each sentence have an independent clause, with an identifiable subject and predicate?

Can you simplify the grammatical structure of the sentence?

Can you reframe negation into positive sentences? (e.g., “The defendant did not establish” versus “The defendant failed to establish”)

Proofreading

Check Bluebook citations

Run spell check and grammar check

Check for extra spaces (search for “ ”)

Check for formatting consistency (e.g., underline versus italics)

Check for the passive voice (search for “be,” “is,” “are,” “was,” “were,” etc.)

Editing (Cutting) to Length

Re-organize the document to eliminate redundancy

Rewrite the less important (uncontested) parts of your analysis to reduce their word count

Rewrite wordy sentences and sentence structures

Editing Checklist

- ☐ use appropriate form
- ☐ frame issue
- ☐ use themes throughout
- ☐ logical organization
- ☐ logical headings
- ☐ roadmap
- ☐ concluding sentence or paragraph
- ☐ sections support main thesis/issue
- ☐ paragraphs support sectional thesis/issue
- ☐ no logical gaps
- ☐ no gaps in fact or law
- ☐ paragraphs contain one idea each
- ☐ each paragraphs topic sentence reflects its single idea
- ☐ independent clause for each sentence

Assignment: Memorandum in Support (Final Draft)
Grade: 20% of final grade
Deadline: April 27, 2022, at 6PM
Word Limit: 1600
Special Requirements: track time spent

Assignment Details

Your task is to prepare a final draft of your memorandum in support, based on the feedback you've received on both the memorandum in support and the opposition. The word limit is now 1600 words.

Grading Criteria

Overall Appearance

- ☐ Does the memo include all necessary sections?
- ☐ Is the typing and physical presentation neat and in the necessary format?
- ☐ Does the memo comply with the mandated word-count limit?

Introduction

- ☐ Does the introduction identify the relief requested?
- ☐ Does the introduction establish the memo's theme?

Background

- ☐ Does the writer organize the factual narrative appropriately, such as by using an introductory paragraph?
- ☐ Does the writer present the facts in chronological order?
- ☐ Does the writer identify the parties and the nature of the dispute?
- ☐ Does the writer reconcile potential factual disputes