



# Federal Judicial Assistants Association Education Conference

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## Writing, Editing, and Proofreading

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September 14, 2019

AO Writing Program

Henry Wigglesworth

## Trivia Contest:

two questions related to communication

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1. When the telephone was invented, people debated about what the proper greeting should be when answering the phone. The eventual winner was “Hello” but which of the following were the other candidates?

- A. “Ahoy”
- B. “What is wanted?”
- C. Both of the above.

## Second question

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2. In the year 800, when Charlemagne became Emperor of the Holy Roman Empire, he could not write his own name.

True or false?

# We are all writers

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- Writing is our main form of communication.
- Therefore, it is the most important skill we have and deserves more time than we probably give it.

# Today's agenda

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Part I: Writing in general

Part II: How to edit documents to express yourself more clearly and concisely

Part III: How to catch (almost) all errors

# By the end of today you will be able to:

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- Cut words from your documents (without losing meaning);
- Write more clearly; and
- Catch more typos in your documents

# Part I: Writing in general

## Tips to become a better writer

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- “To become a better writer, read good writing.” Chief Justice John Roberts Jr.
  - “Good writing is telepathy.” Stephen King
- “There is no great writing, only great re-writing.” Justice Louis Brandeis

# What's a writer's primary goal?

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To get the reader to read beyond the first line.

=To overcome Newton's first law of motion: a body at rest tends to stay at rest.

# What is most important part of any written communication?

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- The first few sentences – they tell the reader why they should continue to read.
- How to accomplish this goal?
  - Show reader how the content will benefit them
  - Try to think of a “hook”
  - Remember you are competing for reader’s attention

# Tip

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Before writing, always ask:

- What is the purpose of this document?
- What do you want reader to do (or think or feel) after reading it?

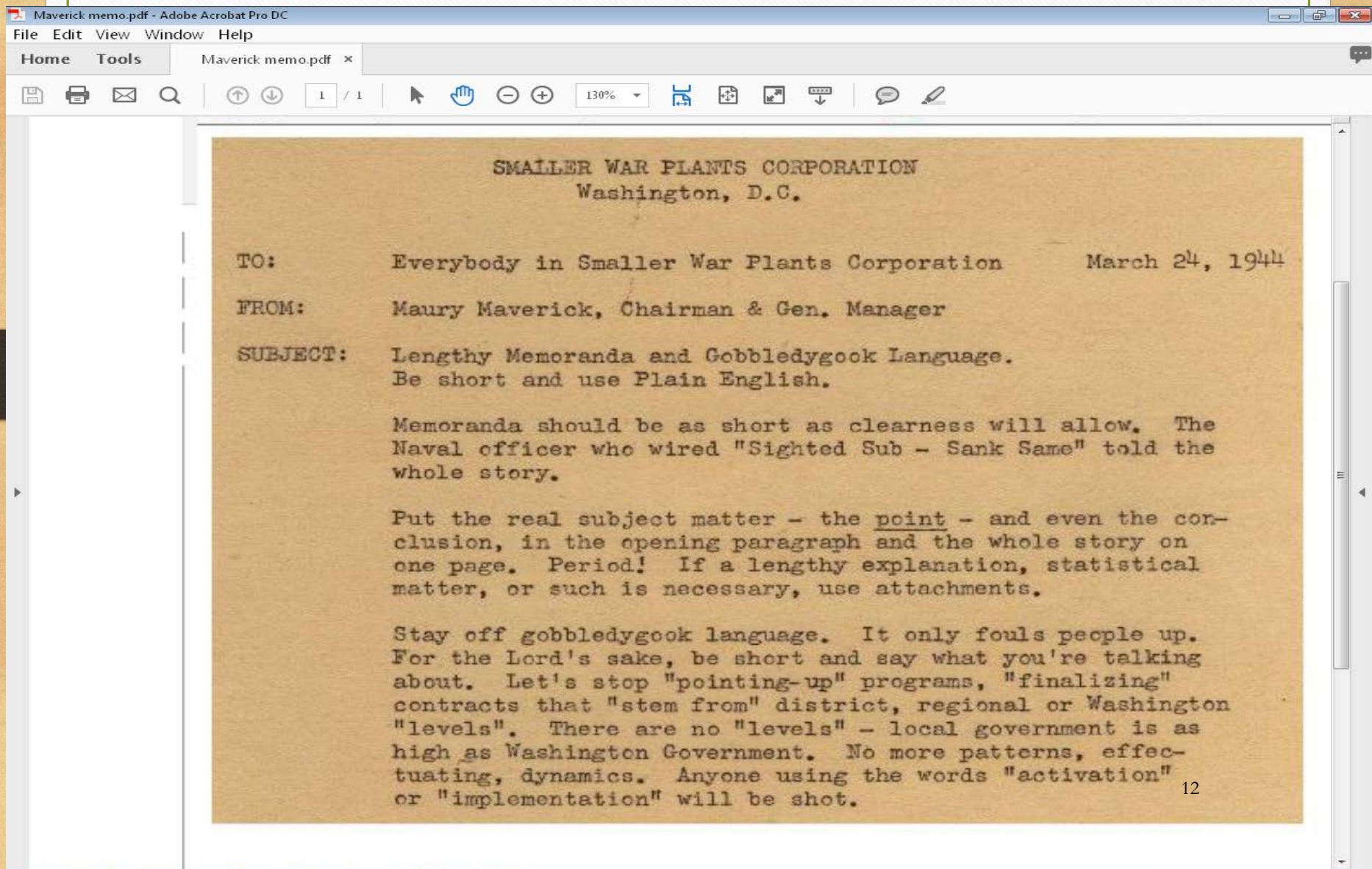


## Part II: How to edit documents to express yourself more clearly and concisely

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- Essential goal: be kind to the reader by using principles of Plain Language
- What happens if you are not kind to your reader?

# Example of a memo you don't want to receive



# Principles of Plain Language:

## Three things to avoid

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- jargon
- acronyms
- long sentences (keep them under 20 words)

# Jargon translation exercise

Interoperable personal identity verification card

= ID card

Four score and seven

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= 87

Myocardial infarction

= heart attack

Vehicle operator

= driver

Incentivize

= encourage

Lavatory

=bathroom

## Name that acronym

- **ADR =**
- **AOHR =**
- **PIP =**
- **IFP =**
- **ITUG =**
- **JERT =**

ADR =

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**Alternative Dispute Resolution**

**AOHR =**

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**AO's Office of AO Human  
Resources**

**PIP =**

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**Performance Improvement  
Plan**

**IFP =**

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in forma pauperis

**ITUG =**

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**information technology users  
group**

**JERT =**

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**Judiciary Emergency  
Response Team**

## From an actual memo

The new type of Facility Access Cards (FACs) are called Personal Identity Verification-Interoperable (PIV-I) cards. These have been deployed at most court units throughout the country. The high tech cards meet strict government-wide security standards and feature an embedded computer chip and proximity antenna. The chip contains personal data that is encrypted. As additional protection, a RFID blocking card holder will be provided with your new FAC. Along with serving as official government IDs, the FACs will work with facility access control systems (e.g., electronic door locks) and they have the capability to support logical access control systems (e.g., computer logons and digital signatures).

(104 words)

## One possible revision

Most court employees are already using these new ID cards. The cards meet government-wide security standards and feature a computer chip that contains encrypted personal data. In addition, you will receive a special holder that blocks access to the chip. The cards will serve not only as ID cards, but depending on the circumstances, can be read by electronic door locks or used to log into your computers.

(68 words)

# Avoid long sentences

- Sentences are the building blocks of writing. Keep them less than 20 words.
- Use Word feature for average length of sentence  
(File>Options>Proofing>Readability statistics)

# Example of Readability Statistics

Readability Statistics		?	×
Counts			
Words		137	
Characters		758	
Paragraphs		4	
Sentences		7	
Averages			
Sentences per Paragraph		3.5	
Words per Sentence		18.4	
Characters per Word		5.3	
Readability			
Flesch Reading Ease		39.9	
Flesch-Kincaid Grade Level		12.2	
Passive Sentences		0.0%	
		OK	

# Ways to shorten sentences

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- Use shorter phrases
- Use active voice instead of passive
- Create new sentences out of *which* clauses.

# Tip 1: Use shorter phrases

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- Handout: “Instead of this, use this”
- substitute short phrases for longer ones
- put the action in the verb, where it belongs

## Example: put action in verb

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- The court **made a determination** that the prosecutor had improperly withheld evidence.
- The court **determined** that the prosecutor had improperly withheld evidence.
- The committee **held a meeting** with staff to discuss the agenda items.
- The committee **met** with staff to discuss agenda items.

## Tip 2: Use active voice instead of passive

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Passive:

**It is required** by statute that a presentence report **be submitted** to the judge 30 days prior to sentencing.

(19 words)

Active:

The law **requires** that a probation officer **submit** a presentence report to the judge 30 days before sentencing.

(18 words)

### Tip 3: Create new sentences out of *which* clauses.

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The new courthouse construction project was delayed for six months when a rare bird was found nesting at the site, **which** caused ornithologists to study alternative habitats and added over \$1 million to the cost.

## Revised to create two sentences

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Construction of the new courthouse was delayed for six months when workers found a rare bird nesting at the site.

**["which" was deleted and a period inserted]** The discovery caused a six-month delay costing over \$1 million while ornithologists studied alternative habitats.

# Plain Language Exercise

*Replace the words in bold:*

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**At the present time**, the court has **a large number of** prisoners waiting to be charged **in accordance with** the new law.



Now the court has many prisoners waiting to be charged under the new law.

## Exercise (continued)

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It should be noted that in the event Congress passes a **piece of legislation** that restricts **the manner in which** immigration courts address claims of asylum, **a number of** asylum seekers will be **negatively affected**.



If Congress passes a law that restricts how immigration courts address claims of asylum, some asylum seekers will be harmed.

## Exercise (continued)

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- The verdict was reached by the jury after two days of deliberation.
- The jury reached a verdict after deliberating for two days.
- After two days, the jury reached a verdict.

- The committee reviewed the final draft of the manual and suggested several changes, which staff was instructed to implement in time for the subsequent meeting.
- The committee reviewed the final draft of the manual and suggested several changes. Staff was instructed to implement them in time for the subsequent meeting.
- The committee reviewed the final draft of the manual and asked staff to make several changes before the next meeting.



## Part III: Proofreading

### Mark Twain on why it is difficult:

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“You think you are [proofreading],  
whereas you are merely reading your  
own mind; your statement of the thing  
is full of holes & vacancies but you  
don’t know it, because you are filling  
them from your mind as you go along.”

# An extreme example

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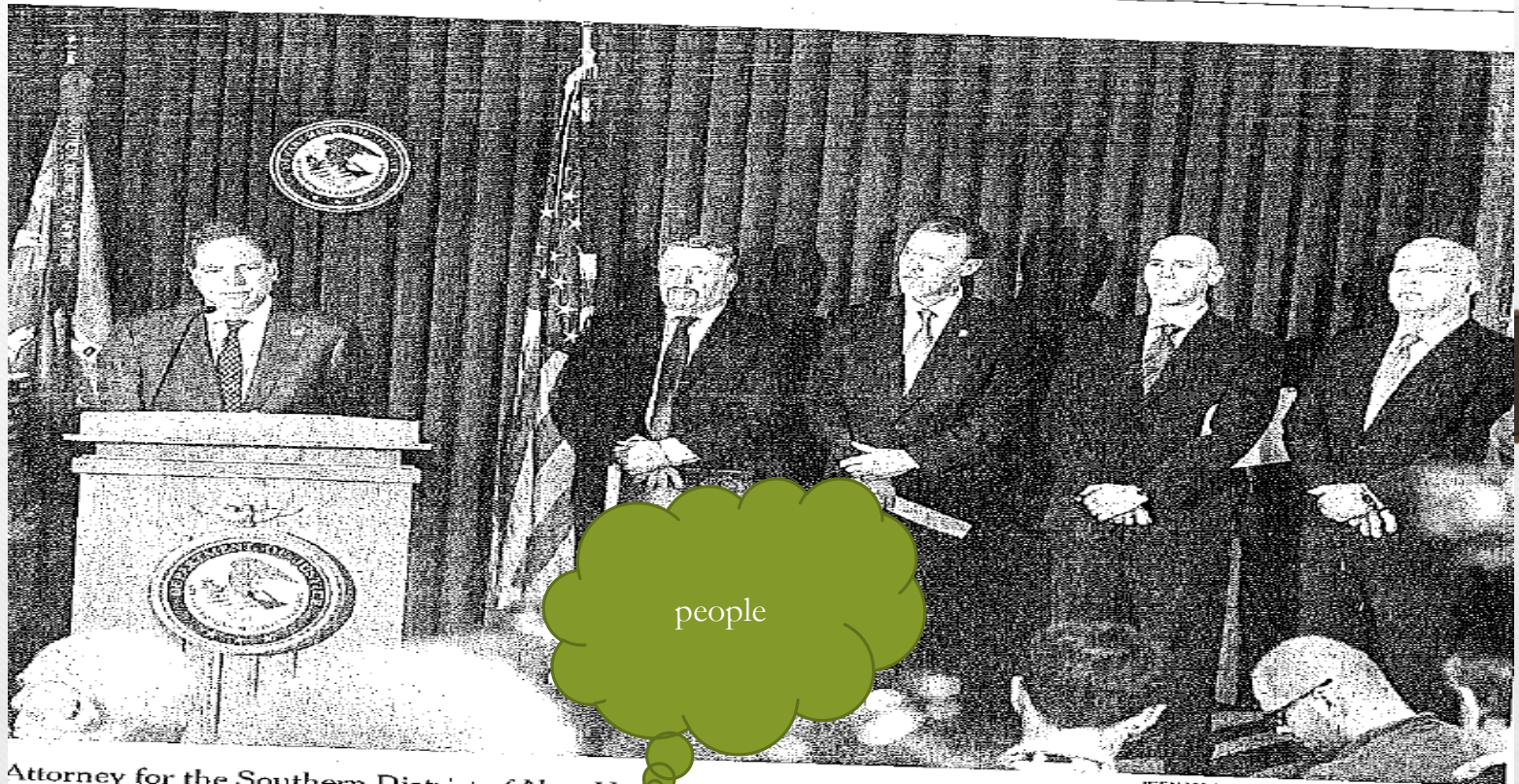
According to research at Cambridge University, it doesn't matter in what order the letters in a word are, the only important thing is that the first and last letter be at the right place. The rest can be a total mess and you can still read it without problem. This is because the human mind does not read every letter by itself, but the word as a whole.

# Why should we care about typos?

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- Professionalism
- Reflection of our ability
- Prevent possible misunderstanding

## Even the NYT makes mistakes



Attorney for the Southern District of New York Geoffrey S. Berman during a news conference. Five doctors had prescribed millions of oxycodone pills to people who had no legitimate medical need for them.

JEENAH MOON FOR THE NEW YORK TIMES

### Shannon Grammel

Stanford Law School, Class of 2017

Ms. Grammel, the former president of the Stanford Law Review, served as a law clerk for Judge J. Harvie Wilkinson III on the United States Court of Appeals for the Fourth Circuit. Judge Wilkinson is known nationally as a judge who sends many clerks from his chambers to the Supreme Court.

Ms. Grammel worked on the Stanford Law School's Supreme Court Litigation Clinic and was a summer associate at Kellogg, Hansen, Todd, & Risk, as well as Crutcher, both

Ms. Grammel interned at the Department of Justice and the Agency and Department. She earned her Bachelor's degree in 2014 from Stanford University, where she was a D.J. for Harvard Radio Broadcasting and taught English overseas, according to her LinkedIn page.

## Wrong word

- Wrong word

overseas

# Types of typos

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- Spelling (“poeple”)
- Wrong word (“oversees”)
- Subject/Verb agreement
- Noun/Pronoun agreement
- Punctuation
- Formatting



## Proofreading in 10 Steps

### Common Grammar Mistakes – Confusing Words

Click on link for full definitions and examples

1. [Advice and Advise](#)  
The noun *advice* means guidance. The verb *advise* means to recommend or counsel.
2. [All Together and Altogether](#)  
The phrase *all together* refers to people or things gathered in one place. The adverb *altogether* means entirely or wholly.
3. [Baited and Bated](#)  
A hook, witness, or animal is *baited* (lured, enticed, tempted). Breath is *bated* (moderated).
4. [Cite and Site](#)  
The verb *cite* means to mention or quote as an authority or example. The noun *site* means a particular place.
5. [Complement and Compliment](#)  
*Complement* means something that completes or brings to perfection. A *compliment* is an expression of praise.
6. [Discreet and Discrete](#)  
The adjective *discreet* means tactful or prudent self-restraint. *Discrete* means distinct or separate.
7. [Eminent and Imminent](#)  
The adjective *eminent* means prominent or outstanding. *Imminent* means impending, about to occur.
8. [Flair and Flare](#)  
The noun *flair* means a talent or a distinctive quality or style. As a noun, *flare* means a fire or a blazing light. Similarly, the verb *flare* means to burn with an unsteady flame or shine with a sudden light. Violence, troubles, tempers, and nostrils can *flare*.
9. [Formally and Formerly](#)  
The adverb *formally* means in a formal way. The adverb *formerly* means at an earlier time.
10. [Hardy and Hearty](#)  
The adjective *hardy* (related to *hard*) means daring, courageous, and capable of surviving difficult conditions. The adjective *hearty* (related to *heart*) means showing warm and heartfelt affection or providing abundant nourishment.

# Proofreading Tips

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- Read it out loud
- Print it out
- Take a break or ask someone else to read it

Don't feel too bad if you miss one

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Forty six million Australian banknotes are tainted with a typo that went undetected for seven months: The latest edition of the country's \$50 bill contains "responsibility" misspelled as "responsibilty."

**SIGN UP >**

**CLOSE**



I STAND HERE TO-DAY IN THE UNIQUE POSITION OF BEING THE  
 FIRST WOMAN IN AN AUSTRALIAN PARLIAMENT --- IT IS A GREAT RESPONSIBILITY  
 TO BE THE ONLY WOMAN HERE, AND I WANT TO EMPHASISE THE NECESSITY WHICH EXISTS  
 FOR OTHER WOMEN BEING HERE --- IF MEN AND WOMEN CAN WORK FOR THE STATE SIDE BY SIDE AND  
 REPRESENT ALL THE DIFFERENT SECTIONS OF THE COMMUNITY --- I CANNOT DOUBT THAT WE SHOULD  
 DO VERY MUCH BETTER WORK IN THE COMMUNITY THAN WAS EVER DONE BEFORE. I STAND  
 HERE TO-DAY IN THE UNIQUE POSITION OF BEING THE FIRST WOMAN IN AN AUSTRALIAN  
 PARLIAMENT --- IT IS A GREAT RESPONSIBILITY TO BE THE ONLY WOMAN HERE  
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 POSITION OF BEING THE FIRST  
 WOMAN IN AN AUSTRALIAN  
 PARLIAMENT ---  
 IT IS A GREAT  
 RESPONSIBILITY  
 TO BE THE  
 ONLY

PETER PARKS/AFP/GETTY IMAGES

## Further reading

- *On Writing Well* by William Zinsser
- *Plain English for Lawyers* by Richard Wydick
- *Just Writing* by Anne Enquist

# Thank you

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- We welcome your ideas for classes and suggestions
- [Henry Wigglesworth@ao.uscourts.gov](mailto:Henry_Wigglesworth@ao.uscourts.gov)
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