Tips for Lawyers Writing in a Time Crunch

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Your phone rings just as you are packing up your briefcase at the end of the day. Caller ID tells you it’s your supervising attorney. To answer or not to answer? With responsibility getting the better of you, you reluctantly lift the receiver. Your supervisor tells you a client is impatiently waiting for advice on his case. The client is expecting an advisory letter by noon tomorrow. You have not yet started researching, so you know you have a long night ahead of you.

Back in law school, you would have had at least two weeks to complete a writing assignment. With those two weeks, you would have had ample time to research, analyze, outline, draft, revise, edit, and polish. You would have devoted significant attention to large-scale, mid-scale, and small-scale revisions. You might even have been able to put the writing aside for a day to edit with fresh eyes. Sadly, those days are gone.

When lawyers have the time, of course they write well. The demands of the legal profession, however, can make even the best writer feel like a Top Chef contestant completing a Quickfire challenge, in which accomplished chefs must create, cook, and plate a recipe in under 30 minutes. Given the time constraint, the dishes are often incomplete or inedible. Similarly, when experienced lawyers are rushed, their writing might also be imperfect or hard to digest. Facing crunch time can make the most talented question their abilities and can leave both culinary and legal clientele with a negative or inaccurate impression.

There are, however, ways to control the havoc that time pressure can wreak. Just as some Top Chef contestants can successfully complete the same tasks in 30 minutes as they can when working under less-pressured conditions, so can lawyers—whether they have months, weeks, or hours to finish a writing project.

When working under time pressure, you must first add two initial steps to your normal process:

1. Tame your expectations.
2. Turn over responsibility.

Then, as with any writing project, you must perform the following steps, recognizing your time constraints and making some adjustments to maximize quality while minimizing anxiety:

3. Track down resources.
4. Transfer your thoughts to writing.
5. Trace writing structure.
6. Test content.
7. Tag blunders.
8. Trim excess.
9. Tweak tone and word choice.
10. Tune up and polish.
Following these 10 steps ensures a quality product regardless of how much time you have. For the times when you are rushed, use the tips included in the description of each of these steps to make your writing more palatable.

**Steps 1 and 2: Tame your expectations and turn over responsibility.** Set realistic goals for yourself. Don’t lower your standards, but shift your expectations and accept that you need to work at a much faster pace to complete your tasks. What you normally might have completed in 12 days, you now have to complete in 12 hours. In a typical situation, your plan might have been the following:

**Days 1–3**
- Track down resources.

**Day 4**
- Outline and begin transferring thoughts to writing.

**Days 5–7**
- Draft the document.

**Day 8**
- Finish drafting and identify gaps in research.

**Day 9**
- Complete any additional research, finalize content, and put aside to edit with fresh eyes.

**Day 10**
- Complete large-scale and mid-scale revisions by tracing the writing structure and testing content.

**Day 11**
- Complete small-scale revisions by tagging blunders, trimming excess, and tweaking tone.

**Day 12**
- Tune up the document by proofreading and polishing.

When you’re working under a tighter deadline, however, you must complete the same tasks in much less time. If the project is too big to complete alone, consider recruiting help. Researching and editing can be easily delegated to others. If the research task seems daunting, ask a colleague to help you locate resources. If, given the time constraints, you can’t put the document aside before final revisions, ask a colleague to help you edit. Now your plan might look like this:

**Hours 1–3**
- Track down resources.

**Hour 4**
- Outline and begin transferring thoughts to writing.

**Hours 5–7**
- Draft the document.

**Hours 8–9**
- Finish drafting and finalize content.

**Hour 10**
- Complete large-scale and mid-scale revisions by tracing the writing structure and testing content.

**Hour 11**
- Complete small-scale revisions by tagging blunders, trimming excess, and tweaking tone.

**Hour 12**
- Have a colleague review while you tune up the document by proofreading and polishing.

**Step 3: Track down resources.** If you typically spend days researching a new legal issue, understand that you’ll now have just hours to familiarize yourself with the file, narrow the issues, brainstorm search terms, identify research sources, locate the sources, and update those sources. Depending on what you’re drafting, your first minutes should be spent checking your internal resources. Perhaps a colleague has experience with the issue, or perhaps your files contain a model form, a memo summarizing recent research on your topic, or a brief addressing the same legal question. Recognize that unless your subsequent drafting identifies a significant gap or error in your analysis, these internal resources and your initial research could be the only materials on which you’ll be able to rely.

Because you have only one shot, it is imperative that you set a deadline, develop a research plan, and stick to both. In developing your research plan, understand that working under time pressure increases the likelihood of skipping steps that you would otherwise never miss. Make sure you document the sources you will consult, the order in which you will consult them, and the tools you will use for each—print, electronic, or a combination. Although you could easily get swept up in the research, remember that when the deadline strikes, you must move on.

**Step 4: Transfer your thoughts to writing.** After reaching your research deadline, begin outlining and writing immediately. Avoid the temptation to keep researching or to delay writing until you have perfected the analysis in your mind. Even if you’re not sure what you want to say, just start saying it. The process of outlining and writing will clarify your thinking. Although this is good advice regardless of the amount of time you have, working under time constraints makes it especially critical. As you are outlining and writing, you will identify areas of confusion. Struggling with these areas of confusion, however, will somehow magically yield unexpected insights and will deepen your understanding of the analysis. Make sure to get started as soon as possible to allow enough time for the process to work its magic. You should expect to spend close to half of your time outlining and writing.

**Step 5: Trace the writing structure.** To ensure that your outline and draft are well organized and that they track your analysis in a way that educates and interests the reader, set aside time to trace the structure of your writing. When your deadline won’t allow the usual effort that seamless organization demands, you need to do your best to fake it. You can fake seamless organization by performing two simple tasks that will make your draft reader-friendly with good coherence and flow. First, review the structure by checking for a familiar organizational scheme that moves from the general to the specific. Second, make the structure transparent to the reader by providing a road map and signposts.
The first task is to check that you've organized the draft in a structure the reader expects to see. Most readers expect the organizational scheme to be topic, explanation, and conclusion. To ensure you have effectively conveyed this scheme, take a few minutes to trace the structure by creating an after-the-fact outline. You can quickly create an after-the-fact outline by reading each paragraph and summing up its main point in a bullet. All of the pieces should fit together logically. Reviewing this outline allows you to check organization efficiently and gives you the big picture the document is presenting. It will also help to ensure your draft moves from the general to the specific and from known information to new. Providing this type of context before specific details or new information tells the reader why the details are important and how new information connects to familiar information.

The second task is to make the structure transparent to the reader by creating a road map and by highlighting that structure. The road map tells the reader what you are going to say and outlines the structure in a way that previews what's to come. The work you just completed on the after-the-fact outline will make developing the road map quick and easy. Once you create the road map, highlight the structure for the reader. Although ideally you would signpost with great substantive words or sections that cause pausing, confusion, or rereading, where your ideas are not clear or well developed and where your pressure, your time is better spent improving coherence and flow by blatantly drawing attention to your organization. Easy line will make developing the road map quick and easy. Once you are satisfied with the organization, it is time to move on to content. Accurate, complete, and clear content will educate your reader and establish trust in your work. When you don't have the time to review content carefully, focus on the sections that were hardest to write because those are probably the issues that were most confusing to you.

As you go through these sections, remember that working under time pressure can cause you to become so close to the draft that you see what you intended to write rather than what you actually wrote. Because you are so close to the draft, this is a good time to enlist some help. Have a colleague mark any words or sections that cause pausing, confusion, or rereading, and ask that colleague to summarize the main points of your analysis. Your colleague should also check for obvious errors, such as unintended omissions of citations or key facts from a case. Reviewing your after-the-fact outline, your colleague's summary, and this marked-up draft will help you identify areas where your ideas are not clear or well developed and where your analysis is conclusory or redundant.

An analysis that is conclusory leaves skeptical legal readers wondering “why?” Check to see what, if anything, could be added to complete the explanation and clarify the content. Do a search for the word “because.” If there aren't many in the draft, perhaps you haven't included the reasons justifying your conclusions. Adding the word “because” along with factual detail, a plain-language argument, or a policy argument can make superficial content more meaningful.

In addition to checking for what's missing, also check for redundancies, which bog writing down and frustrate readers. If you had a hard time creating the summary bullets for your after-the-fact outline, that may be a signal that your paragraphs meander and repeat concepts unnecessarily. Go back to those paragraphs, create topic sentences, and make sure those topic sentences are not repetitive. If they are, consolidate or eliminate them to clarify the content. If you did not have a hard time creating the bullets in your outline, but you notice that two or more convey the same information, simply remove the duplications.

Although you should not be repeating unneeded information, you should be repeating terms that are helpful to the reader. Check your writing for what Moritz School of Law Professor Mary Beth Beazley calls the “phrases that pay.” The phrases that pay are the key word or words from the rule you are analyzing. By running a simple Find command for those key words in your document, you will locate problem areas such as

- imprecise word choice,
- unnecessary variety in word choice, and
- insufficient references to the rule that governs your analysis.

If you have not frequently or consistently included the phrases that pay, you can quickly scan your document to identify synonyms and replace them with the phrases that pay. You should reference these phrases at least several times—in any explanation, application, or conclusion. If they are missing from any of these sections, adding them will keep the reader focused on the content you want to convey.

**Step 7: Tag blunders.** You're more than halfway there. By tracing your writing structure and testing your content, you have now completed your large-scale and mid-scale revisions. In step seven, as you move to small-scale edits, you should identify problems with individual sentences and with words. Once you've tagged those errors, the next three steps will go a long way toward improving readability and clarity.

**Step 8: Trim excess.** To paraphrase Mark Twain, if you want a 20-page paper, I am ready now; if you want a five-page paper, I'll be done in two weeks. Although you might not be able to trim as much excess in one hour as Mark Twain could have trimmed in two weeks, these fixes will make your document more reader-friendly:
1. Shorten sentences. Make sure you limit each sentence to one thought. Keep the subject and verb close together. Highlight sentences that are longer than 25 words (about 2½ lines), and look for commas, conjunctions, and prepositions—these may indicate a good place to begin a second sentence.

2. Omit surplus words and simplify. If you can’t break up a long sentence, eliminate the following to make the sentence more concise:
   - **Nominalizations.** Look for verbs that were converted to nouns ending in -ion, -ent, -ance, and turn them back into verbs. For example, “had a collision” becomes “collided.”
   - **Legalese and jargon.** Legalese includes archaic words (e.g., the judge opined), needlessly repetitive phrases (e.g., cease and desist), and legal terms of art (e.g., the party of the first part). Jargon is meaningless language that is unique to a particular profession (e.g., revenue enhancement instead of tax increase).
   - **Compound constructions.** Compound constructions use multiple words where one will do. For example, instead of “due to the fact that” or “for the purpose of,” write “because.”
   - **Passive voice.** Although passive voice has proper uses, it usually requires more words to convey the same meaning and is always less direct. For example, instead of writing “the tape was erased by the defendant,” write, “the defendant erased the tape.”

**Step 9: Tweak the tone and word choice.** Do a quick check of the tone. Simple words, simple sentences, and a conversational voice are appropriate even in more formal legal documents. In these types of documents, however, it’s usually best to remove contractions, personal pronouns, slang, sarcasm, and rhetorical questions.

Devote one quick read-through (or have your colleague do this for you) to identify any vague, ambiguous, or imprecise words. If your reader is having a hard time understanding the meaning of a word or phrase, replace it with more specific, precise language. For example, instead of relying on overused, imprecise words such as “unfair,” if you mean dishonest, write “dishonest”; if you mean biased, write “biased.” Instead of using empty words such as “clearly” and “obviously,” substitute a more detailed explanation.

**Step 10: Tune up and polish.** Slow down (yes, even when you’re racing against the clock). One set of eyes won’t catch every error in a piece of writing, so it’s critical to make this a team effort—particularly when you’re short on time. While you’re proofreading, also have a colleague or two check for typos and simple grammar and punctuation errors. You should always run a spelling and grammar check, but don’t forget that computer tools won’t catch every error. For instance, your word processor’s spellchecker won’t realize you meant “trial” when it comes across the word “trail.” In addition, most spellcheckers, by default, ignore words in ALLCAPS.

Although this isn’t the time to create a personal editing checklist (wait until you finish this project and catch your breath), if you have one that reminds you of particular trouble spots unique to your writing, then use it. If you don’t have a personal editing checklist, take a minute to think about the most serious writing rules you struggle with, and then review your document just for those particular concerns. For example, some of your concerns might include vague pronoun references, missing apostrophes, or lack of parallelism.

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**Time pressure can cause you to see what you intended to write, not what you did write.**

Now that you’re in the home stretch, here are a few tricks you can choose from to simulate editing “cold” after a break:

- Proofread using a different size and a mono-spaced font such as Courier to slow you down as you edit.
- Read one paragraph at a time, starting at the end and working your way to the beginning.
- Print out the document and proofread on paper.
- Use a ruler or piece of paper so you can focus on one line at a time.
- Read the document out loud.
- Use software that reads your text to you.

Although it’s natural to fear short turnaround times, just as Top Chef contestants do, learn to welcome the final call of “knives down, hands up.” Perceive deadlines as a tool for honing your efficiency as a writer. Accept them as a cap on what could otherwise become endless angst over attempted perfection.

Once you do that, your document is ready to be served. ■