

## **Supervising the Legal Writing of Junior Attorneys and Non-lawyer Employees**

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Time management experts advise professionals to delegate as many tasks as possible in order to maximize productivity. This is challenging for attorneys because of the ethical obligation to thoroughly supervise delegated legal services. This is particularly true for legal writing. This article explores strategies for effectively supervising the legal writing of junior attorneys and non-lawyer employees.

### **Planning**

Devote ample time and attention to the planning stage of delegating legal writing. Having a verbal conversation is usually the most effective way to handle this stage, although email can suffice once you have developed an ongoing relationship with the drafter.

Define what the goal is for the assignment. What is the desired result or relief? If the drafter does not have a good grasp on what your goal is, then you will have wasted a round of revisions, because the result will never be on point with what you want.

Next, discuss ways that you can achieve the desired result. When research is necessary before choosing a strategy, you can task a trusted drafter with making a decision. Brainstorm potential avenues for relief by drawing, graphing, charting, or outlining ideas. Involving the drafter in this process increases the likelihood that he will have a broad understanding of the direction the project should take.

Communicate what structure or organization you would like to see. Sometimes the simplest concepts get lost if you do not articulate them. Provide templates of similar documents, and express whether each is a guideline as to form or content.

Be sure to express your expectations clearly before handing the assignment off. A common area of mismatched expectations is in the level of polish or the type of draft that the supervising attorney expects. You may want to request the document is of “file-able” quality, or you may just be looking for a rough draft. Either way, let the drafter know.

### **Writing**

For the writing stage, specify how much time the drafter should spend on the assignment. This is particularly necessary for research projects with the potential to draw diligent researchers “down the rabbit hole.” Ask them to check back in with you once they reach X hours, so that you can at least be sure they are not losing days to basic assignments.

This is largely a personal style issue, but if you pay sufficient attention to the planning stage, you can be fairly hands-off during the writing stage.

## Revision

The revision stage entails providing critical feedback to aid the drafter in improving the document, and editing it in such a manner that you can assume professional responsibility for the document.

It is advisable to use separate rounds of revisions to address macro and micro concerns. For the first round, you should aim to focus on structure, clarity, and overall substantive content. Depending on how far afield the first draft is from what you want in a final version, you may wish to re-plan, and set new goals. Ensure that the drafter has a good idea of your evolving goals through every stage of the revision process. At this stage you work with the drafter to develop a persuasive argument and sound legal reasoning.

For subsequent rounds, you can get increasingly micro, editing for style and minor formatting points. This is the point at which you should check citations if necessary. When you do make a small edit to a draft, it helps the writer if you include a comment as to why you made the change (even if the comment is as simple as “Style”). When you have an ongoing relationship with a drafter, you can develop a system of abbreviations for comments that both of you understand.

The method you use to provide feedback is a personal choice, but consider what works best with the individual drafter. Some people respond better to verbal feedback, while thicker-skinned writers will do fine with a heavily marked return draft. As with the planning stage, be clear on how long of a turnaround time and what level of polish you expect for the next draft.

Microsoft Word’s track changes and comments features are indispensable if you delegate a lot of legal writing. It is worth taking the time to learn how to use these features (and making sure the drafter does, too), especially if you are going to work together in the future.

How much back-and-forth you engage in during the revision process is a balance between grooming your drafter to do a good job for you in the future and just getting the job done. Consider the ongoing relationship you have with the drafter. If you will not work with them again, then you might just want to take an early draft and run with it. If the drafter is a permanent employee and shows great potential for legal writing, then a thorough (even if tedious) revision process will increase their value to your practice. ▣

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