

Departments and More
The Scrivener: Modern Legal Writing
Proofreading Tips
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DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING? K.K. DuVivier will be happy to address them through the Scrivener column. Send your questions to: kkduvivier@law.du.edu or call her at (303) 871-6281.

Typos get attention—negative attention—like a blemish on the tip of your nose on prom night. But there is a difference between our blemishes and our typos: while our blemishes may seem more prominent to us than to others, our eyes usually slip right past our own typos. This column presents some techniques for detecting and correcting these errors.

Misspellings

Every spring, volunteers offer to read my first-year law students' briefs and judge their oral arguments. Although I handle the detailed marking on the briefs, these volunteer judges zero in immediately on any typo that students overlooked.

Although as readers we have an uncanny knack for spotting typos, as writers we too often miss them, even those of us who proof our work over and over. A friend recently forwarded an e-mail to me that may help explain why:

Apratneply it dsoen't mtaetr waht oderr the ltetres in a word are, the olny ipmoratnt tihng is taht the first and lsat ltetre be in the rhgit palce. The rset can be a toatl mses and you can stlil raed it whituot a porbelm. Tihs is bacesue the hamun mnid deos not raed evrey ltetre by itlesf, but the wrod as a wolhe. 1

Thus, our own typos may elude us because of this ability of the human mind to read words as a whole, mentally correcting errors. We already know what we were trying to say, so we correct errors without even noticing them.

The most efficient way to snare any misspelled words is to use your computer's spell-checking function. Such programs now are standard fare. For example, Microsoft Word will check your entire document if you go to the Tools menu and click on "spelling and grammar." Furthermore, on Microsoft Word, you may ask the program to check as you write. Again, use the Tools menu and, this time, under Options, choose

"check spelling as you type." The check-as-you-type function is available even when composing e-mails and should catch most of the obvious slips of your fingers.

Correctly Spelled Words In the Wrong Place

A bigger proofreading problem nowadays is the use of correctly spelled words in the wrong context. Spell-check programs highlight only spelling errors. If a word is correctly spelled and is in the electronic dictionary, it will pass. Nevertheless, use of incorrect words is frequent and just as distracting as misspellings. Here are some examples Judge Robert Kapelke and Judge Daniel Taubman have shared with me from briefs submitted to the Colorado Court of Appeals.

- Also, this claim is being brought concurrent with a *disillusion* of marriage proceeding.
- Well, unfortunately, I think Mr. X's *resuscitation* of the law regarding the plea agreement is correct.
- Her *fragrant* false statements reflect the same disregard as that shown before the trial court.
- Various emergency medical technicians have stated that Mr. D. was *semi-conscientious* when found. . . .
- Rule 58 provides that the effective date of the entry of judgment is the actual date of the *singing* of the judgment.

Techniques for Catching Errors

If the tendency of our brains is to ignore our own errors, what can we do to give ourselves enough perspective to catch these mistakes? Here are six proofreading suggestions.

1. *Spell-check*: As an initial step, always run your work through a spell-check program.
2. *Format and Environment*: Print out the work and, if possible, read it in a place where you will have few distractions.
3. *Approach*: Read the work in a different way. Some teachers recommend that their students proof their work by reading it backward. The idea is to focus on the words themselves instead of on the concepts. A technique I prefer is reading the work aloud. By saying the words, I can hear how they will ring with readers. This helps me find omitted or misplaced words and other awkward constructions that need revising.
4. *Autocorrect*: Certain errors occur frequently in legal writing. Every year, several of my students type "statue" for "statute" or "sing" for "sign." Furthermore, some mistakes might be embarrassing, such as the law school that published a notice of its "pubic interest law clinic." Because "statue," "sing," and "pubic" are less likely to be the correct word in a legal context, you may set your computer's autocorrect function to avoid these words completely. In Microsoft Word, go to "AutoCorrect Options" under the Tools menu. Insert in the box any non-legal terms you wish to avoid and indicate they should be replaced as you type with the more common legal words.
5. *Find and Replace*: Although autocorrect is helpful, you may prefer to verify any changes instead of requesting that the computer make them automatically. For example, writers frequently type the word "form" when they mean to use "from." Yet, automatically substituting "from" for "form" potentially could create problems you did not intend, because either word might be proper in a legal context. An alternative

to autocorrect simply is to search for specific words that frequently cause problems by using the "Find" or "Find and Replace" tabs under the Edit menu.

6. *Typeface*: Pay special attention when you use all capital letters. Because some spell-check programs do not search all caps, one place that seems inevitably to have typos is headings. Furthermore, research shows that it is more difficult to read text when it is all in capital letters than standard upper-lower case typeface.

Conclusion

Proofread carefully. Although readers usually will be able to decipher your true meaning, misspellings and misplaced words suggest sloppiness. They undermine your credibility because, if you are sloppy about your writing, what evidence do readers have that you are not equally sloppy about your research and reasoning? Again, there is a difference between the blemishes on our faces and our typos: although we may not be able to remedy blemishes, typos in our writing are easily cured with a little attention.

NOTE

1. *Ripley's Believe It or Not!* (Orlando, FL: Ripley Publishing, 2004) at 172.