Document Processing for the Criminal Defense Lawyer

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Introduction

In the practice of law, efficiency and professional effectiveness cannot be separated. Time wasted, by the lawyer or legal staff, is time that cannot be spent creatively advancing the client's cause. So much time in the law office is spent preparing documents, for internal use and for ultimate submission to some tribunal, that we cannot overlook the need to learn how to do this efficiently, using the tools built into word processing programs which distinguish the computer from the mechanical typewriter.

This efficiency is so much more important these days, as more and more attorneys are doing their own word processing, and as legal support staff are called upon to perform more and more paralegal functions essential to a surviving practice.

> . . . . it is equally important that the attorney who is not involved directly in the production process be aware of these tools and functions. He or she not only has to watch out for the "bottom line" in terms of efficiency, but the overall effectiveness of the work done on behalf of clients.

We also know that a professional appearance to the documents we prepare, the typographic formatting, the organization, and tools to assist the reader to navigate (like tables of contents and authorities) is critical in the *effectiveness* of our work product on the reader. The same type of formatting required by appellate courts may have even greater impact in the ability of a non-lawyer village justice to understand our point. But if we do not learn how to achieve professional formatting *efficiently*, it will probably not get done as a routine matter, and effectiveness will suffer.

Beyond this, technological advances have imposed new demands on lawyers: preparing documents for electronic filing, collaborating by e-mail with others attorneys in the preparation and review of documents, the ascendance of e-mail as a repository of communications with the client, other counsel and even the courts, all in need of archiving. As they inch toward a "less paper" (forget about "paperless") office, attorneys find their computers choked with bloated scanned images, partly because of rampant misunderstanding of the variations within the PDF format. This is a contagion infecting the courts also, clogged with electronic filings ten times the size they should be, merely because law firms do not understand the capabilities of the software they are using.

Millions of dollars have been invested by the major software developers to provide tools for the efficient and effective preparation, management, publication, storage and retrieval of written work-product. Yet, in most firms, even the most significant of these tools are overlooked. When the daily inefficiencies, and the numerous sacrifices in quality of output are multiplied by the number of users and the number of days, the costs to the lawyer, and the costs to the client, are too substantial to ignore.

Because the waste and impairment of effectiveness I am talking about cannot be appreciated without a catalog of the available tools I have in mind, the purpose of this presentation is to review the most important tools in the computer software we use every day. While it is essential that computer users understand these tools and how to use them, it is equally important that the attorney who is not involved directly in the production process be aware of these tools and functions. He or she not only has to watch out for the "bottom line" in terms of efficiency, but the overall effectiveness of the work done on behalf of clients. Familiarity with the powerful tools available to the word processor is essential to deciding what standards to set for your staff, and what type of training is needed to get the job done right all the time.

These are not just issues for the solo, or small firm practitioner. The very largest and best known firms are just as oblivious to the efficient and effective use of the software tools at their disposal, but they apparently have the clients who are able to afford such inefficiencies. We do not.

What follows is a review of the essential word processing tools we have in our word processing software, as well as the critical functions of which attorneys and their staff must be aware in Adobe Acrobat, the default format for electronic filing and an increasingly common format for document disclosure, exchange, review, and litigation support. Because I am most familiar with it, and believe that it unqualifiedly provides the most powerful tools for lawyers, I concentrate on WordPerfect. However I will try to also point out parallel functions in Word (where they exist) and how they might differ, especially in those few instances where they are actually superior .

While this presentation is nominally about "software," it is important for lawyers because these are tools of our trade. It is mostly through our written work product that other attorneys, courts, and, perhaps most of all, our clients see us. It is often largely on our written work that our clients causes are decided.

Word Processing for the Criminal Defense Lawyer

Much of what I reveal below — but certainly not all — could be gleaned from within local Help screens or online help provided by the software companies. This work does not pretend to replace those resources. But the typical computer user — lawyer or not — generally only learns the least they can get by with, and will often settle for whatever results can be achieved without actually looking for help or learning the may ways to avoid wasteful, menial, and repetitive actions.

The manuals and tutorials available are often uninspiring when it comes to showing how many of these tools are put to use in the law practice. It is my hope that this monograph will be a convenient reference, and a useful springboard toward productivity. I hope that, once exposed to these tools, and their ease of use, attorneys and their staff will have the incentive and confidence to move out on their own to explore other features and find other ways to put their skills to productive use.

A. Fundamental Concepts

There are basic rules one has to adhere to in the quest for efficiency in document processing.

1. Format it for readability

Whatever good the typewriter did for the world, it did nothing for typography or the aesthetics of the printed page. There is virtually no need in our word processing for the conventions invented to provide formatting and emphasis (like ALL CAPS or underline) in typewritten text or typefaces designed for the monospace format — *i.e.* courier.

But the bottom line is readability, and one will not find in the sphere of written communication professionals—from advertising, to journalism, to corporate communications, to periodicals and books—the use of these means of emphasis before type size and attributes, such as *italics* or **bold** or typeface changes of one sort or another. So take a hint from the world of graphic arts and use classic typographic techniques, which are centuries older than the typewriter, to convey the message. More than a few sources remind lawyers that proportional typefaces of the "roman" or "book" type are easier to read. See the Seventh Circuit's "Requirements and Suggestions for Typography in Briefs and Other

Papers"[1] and "Painting with Print: Incorporating concepts of typographic and layout design into the text of legal writing documents" by Ruth Anne Robbins.[2]

2. Format it "smart"

Do not use typewriter-style methods for positioning text on the page. Use the available formatting codes in the software. This will not only result in uniformity, but allow painless and easier modification of the text later on.

Spacial formatting

So, instead of using spaces to indent, use tabs. Instead of a series of spaces or tabs to move text to the right, use a "hard flush right" code <Alt-F7>, or change the justification to push text to the right margin. To create text in columns, usually the best solution is to **create a table** to set the position for a block of text that is not on the left margin. Examples of this are given later at page <u>54</u> and in some of the templates on the accompanying disc for captions and signature blocks. In ord the "Pleading Wizard" adopts this approach to formatting as well.

In order to create a "line break" which does not have the effects normally flowing from a [HRt] code, use a <Ctrl-Shift-L> <Shift-Enter>.[3] Instead of using additional hard returns [HRt] with the <Enter> key, in order to force to the next page, use a "hard page" code [Hpg] by hitting <Ctrl-Enter>.

Instead of using an additional hard return [HRt] with the <Enter> key to create space between paragraphs, set a standard spacing between paragraphs. In WordPerfect use the "Format, Paragraph, Format" dialog. The ord command is similar.

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[1] http://www.ca7.uscourts.gov/Rules/type.pdf

[2] http://www.ca7.uscourts.gov/Rules/Painting_with_Print.pdf

[3] This is especially useful when creating a heading in which a second line is forced, for example where the the writer desires "Point 1" to be on a line by itself in a heading. Using the "line break" rather than the "Enter" will result in only one Table of Contents ("ToC") entry, rather than two, for that heading, assuming that the heading is in a true "heading" style, or that the text is separately marked for the ToC.
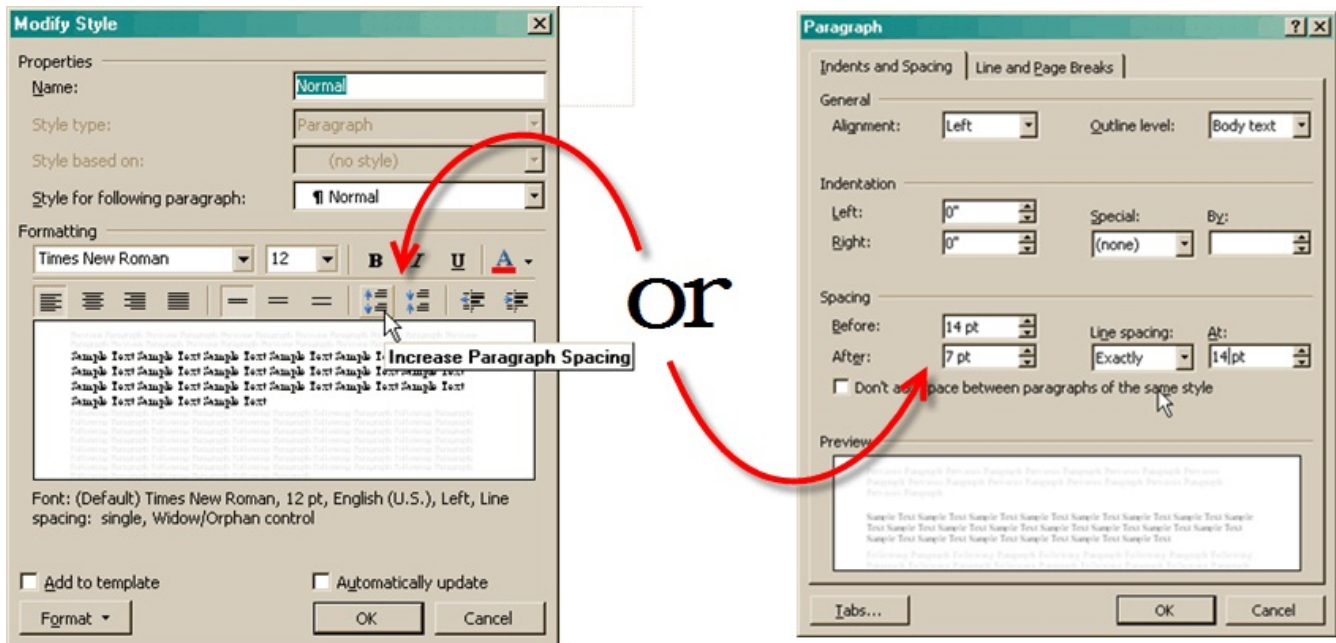
In Word the spacing between paragraphs can be adjusted by preset increments or, as with line spacing, at exact points.

In ✎ WordPerfect this should be set in the "Document Style" or it can be inserted as an "open code"[4] or applied to a selection of text.

Set the space between paragraphs without using an extra [Hrt]

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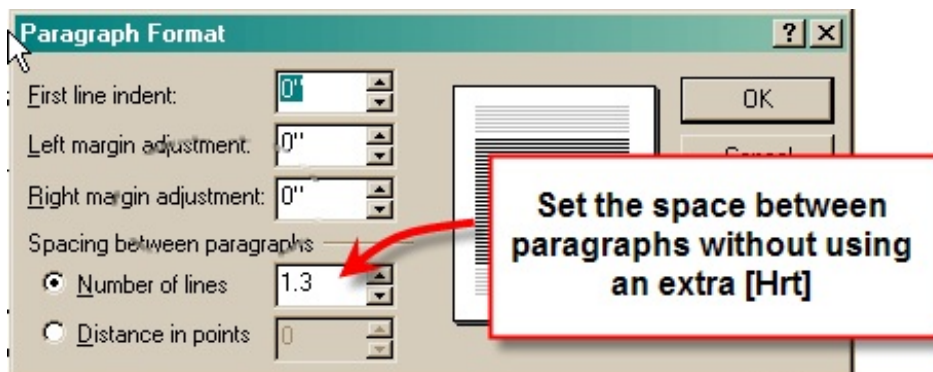
[4] An "open style" in WordPerfect is a style that affects all the following text. Word, by contrast, demands some style to be applied to any paragraph. Therefore, to get paragraph spacing, each paragraph must be in a style with has the code for paragraph spacing.

Similar to these commands are shortcut key combinations used for navigation, cutting, copying and pasting text, and adding attributes to typefaces, all discussed below at p. .

3. *Format it once!!!*

The most critical thing to figure out, and the prime focus of this piece, is how to develop a simple set of styles, for text and headings, which can be invoked in every document by simply picking the style from a list — or, in Word, by a simple key combination. Obviously, picking a style for a heading with one stroke, is faster, and assures more consistency than manually entering the various elements of that style. You only have to format a particular style once, but it can be used endlessly. This is what the "styles" feature is all about.

The proper use of the "styles" tools within WordPerfect or Word all but eliminates the need to make any Font, Font Size, Line Spacing, Paragraph Spacing, Margin, Justification, or Tab settings, or Table of Contents selections as you prepare a document.

A "Format it once" approach not only speeds up document creation, but also allows for instant and global reformatting of the entire document just by editing the relevant "styles" rather than the text of the document, or the other techniques already discussed – retrieving other style files or attaching another ".dot" template. Without these techniques, especially in Word, this would require a great deal of manual reformatting of paragraphs and headings.

Because picking from a list is so simple, with a handful of styles to choose from, and the slightest training, even the least experienced user can easily attain the desired look and functionality in a document without any actual knowledge of the choices under the format menu..

The additional bonus of a reasonably well-executed system of styles, as will be seen, is that the right heading components will appear automatically in the "Document Map," and, hence, in a Table of Contents, and as "Bookmarks" in any Acrobat PDF document generated directly therefrom.

More about creating and editing styles later.

4. *The "Template"*

Both ⚡   WordPerfect a🆆   ord use a "template" as the basis for each document. There is a "default" template that is used for documents until you select a different template.

Modify that template, or substitute another template you have created as your default template, and you will thereafter have modified the "default" look of every document you start thereafter.

In 🔵 WordPerfect the identity of your template directory, and what is set as the "**default**" template, is set in the "Tools, Settings, Files" dialog box:

The "Files Settings" dialog controls the location and choice of the critical files, here the default template
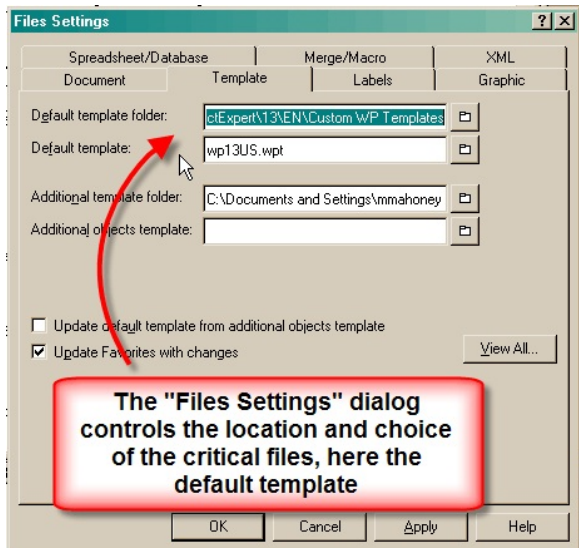
In🔵 WordPerfect a customized "default template" can easily be created and shared with other users to standardize your office. They can either use that default template on their own computers, or "point" to a network template folder and file as the default. Out of the box you will be using the "factory" default template, WPxUS.wpt (where "x" is the version). That template file can edited and saved under another name and used on the network, and most likely, in future versions of WordPerfect.

To access the default template, select from the File menu, "New from Project" to open the Perfect Expert dialog. From there choose the "Options" to "Edit WP Template" for that "blank document" template, which is, most probably, the "default template," as illustrated in the next figure, figure 15.

I say "most probably"because this list of "projects" does not automatically know what your default template is if you change the location of your default template directory, or the name of the default template (which you should eventually be doing) after you intalled this version of WordPerfect. The Perfect Expert, shown in figure 15, will show only those templates that were in the "default template directory," or "additional template directory" *the last time that "Refresh Projects"* was selected in the Perfect Expert "Options" dialog. In other words, this method of accessing the default template and editing it, or editing any template, depends on any choices you have made in the File Settings *and* having manually alerted the "Perfect Expert" of those locations.

If you are working on your own, there is no need to worry too much — until you need to upgrade to the next version of WordPerfect — about changing these locations. If you are on a network and want to share custom templates and default templates, someone has to get familiar with this interaction.
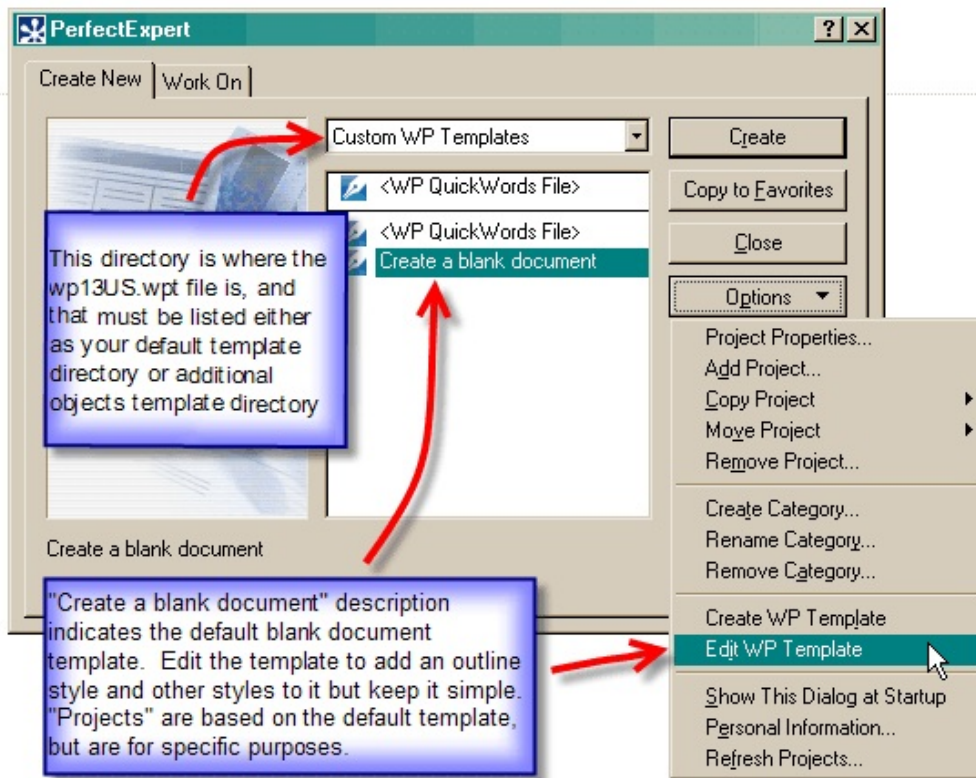
Figure 15: Finding the "default template" to edit it. Note – if you have renamed and relocated your own default template it will not show up in this dialog until after you have selected "Refresh Projects" from this "Options" dialog.

WordPerfect provides an "Administrator's Guide" to installation of WordPerfect on a network which might also be of assistance here.

Distinct in function if not form are the "program templates" which come with the program or which you can create as the starting point for a particular type of document, like a letter or pleading caption, forms that prompt you for information that will automatically be put in different parts of a pleading caption or a retainer agreement. These templates are stored as "**projects**" under categories you can create in the Perfect Expert dialog. (File, New from Project) Although you can use styles in any one of these templates, it is primarily the default template that I will be discussing when it comes to establishing a set of formatting styles for general use.

Apart from the ability to have their own distinct styles, WordPerfect templates can also have macros embedded in them, so that the user of the file can run the "template macro" without having access to that macro file on their own computer.

In [W] ord this process is not so easy, as the "normal.dot" template is the default file and one cannot easily "trick" Word into looking at another file as the default. You can make changes to the normal.dot file, such as changing default margins and default fonts (each by pressing the Default button at the bottom of the dialog boxes for each) in the File, Page Setup dialog, but it is sometimes recommended not to make major changes to the styles, or attempt to edit autotext entries, add macros or keyboards shortcuts, since the normal.dot file is susceptible to corruption and virus infection and may have to be deleted. (Another would generate automatically, but set to "factory defaults.")[5]

However, you can create template files which you can select as the basis for your documents, containing the style features you want. To do this, create a file with the styles you want, deleting those you do not want, and save the file as a "template" (File, Save As, Save as type: "Document Template (*.dot)") with an appropriate name. Then choose to save each style you are keeping as part of that template by checking off the "Add to template" box in the "Modify Style" dialog box for each style. Then delete all the text in the document (except for any text you want to remain there) and save it again.

As a result, your templates thus created will appear in the "Templates" section of the New Document panel which appears when you open a "New" file. They are ready to add content, and the styles you have elected to keep in the template are ready to be selected in the process. Such a template can be used over and over as the basis for starting a document.

This document is regarded in Word as an "add-in," or "global" template,[6] which can then be stored on a shared network drive for all users to access. This will allow the added functionality to be accessed no matter what template you are in, much like changes to the default template in WordPerfect. To have Word see these customized templates or add-ins, you must go to Tools, Options, and select the File Locations tab. Select the "Workgroup Templates" entry and then click on "Modify" on the bottom right hand corner, and then point to your chosen shared file location on your network. When you open File, New, you should then see on the General Tab any customized templates and add-ins you have saved to that network directory.

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[5] I believe that it is possible to create a custom "normal.dot" file that will automatically reload to avoid the generation of a new "normal.dot" file by Word, but I do not know how to do that.

[6] I am really not too sure on the difference between the two in Word *lingo*.

As said above, more about creating and editing WordPerfect styles later at p. , and in Word at p. .

B. Customizing your workspace

As an initial step is to learn how to speed up the performance of certain repetitive tasks that are commonly used in creating or editing text. Let's start with the Toolbars. In every Windows application there are "toolbars" that have buttons with "icons" on them to perform specific functions without having to navigate the menu tree. These toolbars can easily be customized for the individual user, or for use by the entire office. It is easy to add or remove or relocate an icon. As you learn new features, you can add your favorites to a toolbar.

There are a number of predefined toolbars WordPerfect and Word. To see them, right click on the top toolbar or in the space to the right of the top toolbar :

This listbox allows you to check or uncheck a toolbar to toggle whether it shows or not.

Select "More . . . ." to see more toolbars and be taken to the "Customize Settings" dialog. But to add a button to a toolbar, right click on the *particular* toolbar you want to edit and select "Edit" to get the "Toolbar Editor".

The Toolbar Editor allows you to select features to add to a toolbar. (To reposition or remove an icon, at this point simply drag it to the location you want or off the toolbar) Note the other tabs in this dialog allow you to create buttons which simply add keystrokes (Like your firm name or frequently used phrases), start other applications, or play a macro. For these buttons, you can have fun editing the buttons to create your own icon to suggest the function of the button. To do this, *with the* Toolbar Editor open, right click on the icon you want to edit and select "Customize."

The WordPerfect toolbars - initial list.

14
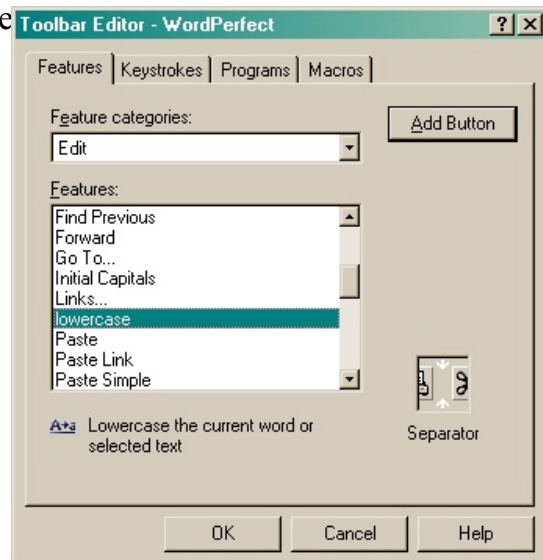
W ord also allows for customization of toolbars – though with fewer choices than in WordPerfect. This begins by clicking on the "Toolbar Options" pulldown arrow at the right of a toolbar. This will lead to the choices to add buttons to the built-in toolbars, and the "Customize" dialog to edit or create toolbars, or to customize your keyboard.

Each time you change you toolbars, in either program, they are saved to your default template.

In Word, start with the Toolbar Options choice to edit toolbars

My WordPerfect Toolbar

Save or close all open files at once

Change blocked text to Intial Caps, lowercase or SMALL CAPS

Select a "rectangle" defined by beginning and ending cursor

"Append" selected text to existing text in Clipboard

Paste text as unformatted

Go to or create Bookmarks, "QuickMark"

Open Reference Tools dialog - ToA, ToC, Index, Cross Ref, Lists
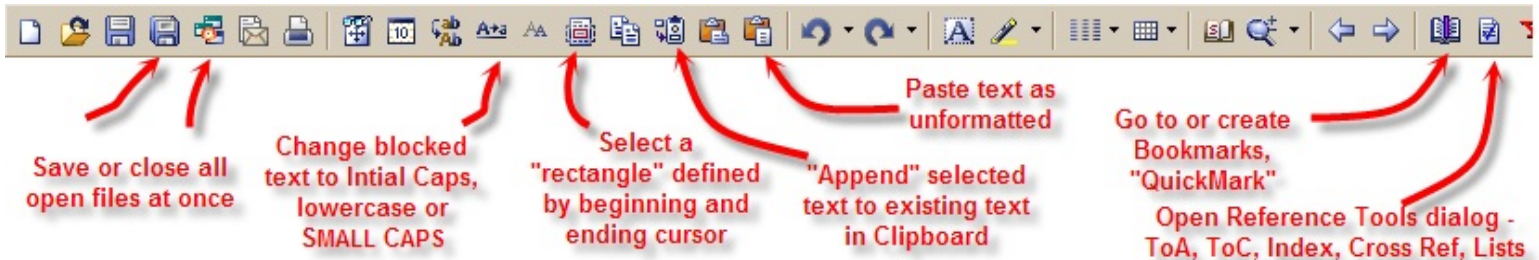
C. Styles

Although there are substantial differences between the way they implement them, both WordPerfect and Word have a powerful set of tools to allow the user to select from a list of text and heading "styles" in order to format and encode text. A relatively small investment of time in understanding the styles feature will result in enormous savings in time and improvement in the quality and usefulness of output. Yet, powerful as it is, this feature is all but ignored, and almost always underused or misused if it is used at all. This is as true of sole practitioners as it is the lawyers and staff the most prestigious law firms in the country.

If styles are used correctly, the lawyer or assistant almost never selects any other formatting codes except from among a handful of styles. As a result the document almost never requires additional encoding for line spacing, margins, fonts, font sizes, paragraph

spacing, Table of Contents, Conditional End of Page, "advance" and justification etc. Thus, "styles" are powerful and time saving because they speed up the formatting process to begin with. This is demonstrated in the next illustration.

Many legal secretaries believe that they can format-as-they-go so quickly that there is no point to accelerating the task by learning the use of styles. Perhaps they have created macros to enter the codes for a new heading. However, selecting a style is just as fast, and more accurate.
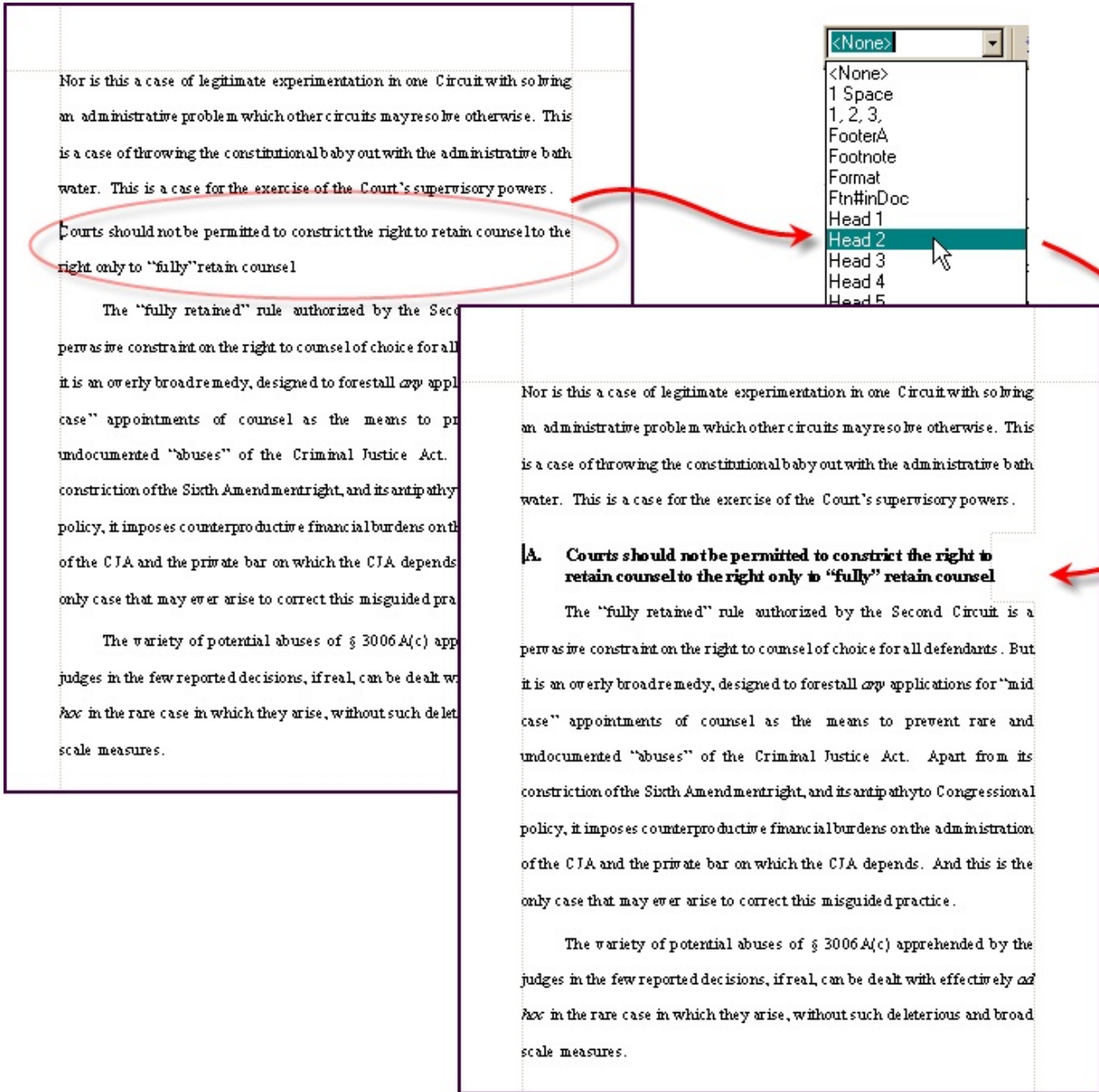
Merely selecting a "style" from the list can apply numerous formatting features to the text – here a heading is created which will automatically appear in the Table of Contents and in the "document map," is numbered according to an outline and has a desired "look."

In one click, selecting a single heading style, the user might add codes to set the font, the font size, attributes like bold, add outline numbering, change the line spacing and margins, insure that a certain number of lines follow the heading before a page end, maintain certain spacing between the text above and below the heading, and place the heading in the

Table of Contents. Again, a macro could do the same thing.

But the real economy in using styles to control formatting is evident when *something has to be changed*. When styles are used for formatting, because all the formatting codes are in the styles, the appearance of the entire document can be altered merely be changing the definition of the individual styles. Thus, the line spacing for the text of the document can be changed by altering the Document Style in WordPerfect, or the definition of the text style — such as "Normal"—for the document in Word.[2]

Beyond this, even more dramatic global change affecting a number of heading and text styles can be accomplished at once in   WordPerfect by retrieving a different style *file* which has the same named styles defined differently, or, in   ord, by pasting the text into a template or document with the same named styles defined differently.[3]

More of this later, when we talk about saving and retrieving style files, below at p.<u>37</u>.

Word Processing with WordPerfect

I n this section I review some of the powerful features of WordPerfect which can help make the law office more efficient and effective in the preparation of the work product which is so critical to the success of our efforts.

There is no substitute for curiosity and patience in learning these tools. However difficult they may seem at the outset, mastering them, *or making sure someone in your office masters them* can make all the difference. Although summarily introduced above, the first section will focus on "Styles," the most powerful day-to-day feature of this product.

A.   WordPerfect Styles

A "style" is a set of formatting codes to be applied to the text marked with that style. There are "**system styles**" and there are "**user styles.**" "System styles" are built-in styles that operate in the basic document, even if you do not know it. These built-in styles control the basic appearance of a document, including headers, footers, lists, tables, footnotes, etc. Most of these can be edited, but they cannot be deleted.

As opposed to the "system styles" there are the "**user styles**," styles created by the user, which can also be edited but also can be deleted.

Styles Glossary

Style - a collection of formatting commands organized under a name that can be chosen from the "Styles" <Alt-F8> dialog or from the Styles pulldown list.

Style File - a file created by saving the styles contained in a document, which can later be retrieved into another document. (We arbitrarily use the ".sty" file name extension"

DocumentStyle -The system style, (an "open style") which is used to house the basic formatting of the text of the document: margins, font, font size, line spacing and paragraph spacing.

"Document" style - The type of individual style which is "open" and therefore affects all the text after it until countermanded by another style.

"Paragraph" style - The type of individual style which occurs in paired "On" and "Off" codes and affects the look of paragraph. Deleting an "Off" code will also delete the corresponding "On" code.

"Character" style - The type of individual style which paired "On" and "Off" codes, just like normal formatting codes for Bold and Italics. Deleting an "Off" code will also delete the corresponding "On" code. The typical example of such character codes would be for single spaced text or quoted materials — material that might include paragraphs and all sorts of other formats and forms, like pleading captions and endings.

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1.   *The "Document Style"*

Probably the most important system style to the user is the "**Document Style**." The "Document Style" is always present when you start, and it is used to house the basic format of the text of the document. Almost any code can be put there that might be put at the top of a document. It is an "open" style, meaning that it will apply to all the text which follows, until a countermanding style is specifically entered.

Open Style: DocumentStyle

The "DocumentStyle" code in the reveal codes panel. When it is clicked on, you see the codes inside. Double click on the code and the Styles Editor opens

Open Style: DocumentStyle;[Font: Times New Roman][Font Size: 13pt][Ln Spacing][Para Spacing]
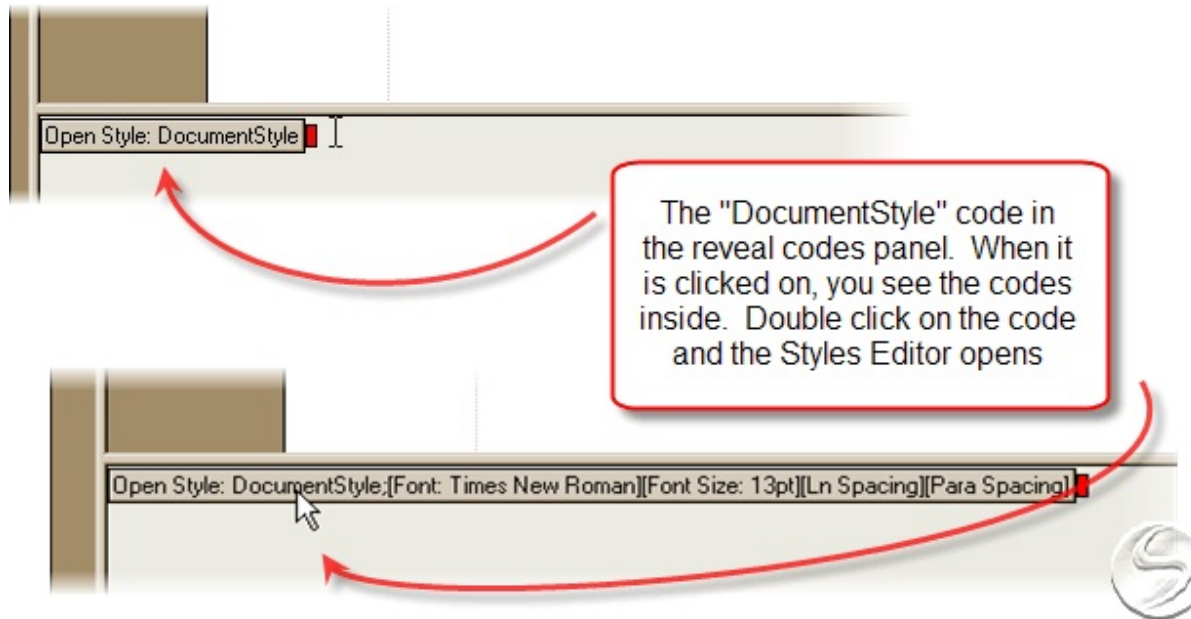
The DocumentStyle code appears at the top of every document, as can be seen in the Reveal Codes pane.

This is the key difference between   WordPerfect a   ord . In WordPerfect you can set formatting for all the text which follows with certain "open codes" (like Font, Line Spacing, etc).[7] In Word each paragraph has a style controlling its appearance.

Accordingly the DocumentStyle is generally where you should put in the codes for the appearance of text in the document. Typically this will be the margins, font, font size, line spacing and paragraph spacing. Widow/Orphan and hyphenation settings also should be put here if you use them.

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[7] To be clear, these codes can also be "paired" "on-off" codes also.

The Document Style can be re-entered at a later point of the document in order to reestablish the document format if the entry of special codes at one point in the document have had left it difficult to bring back to normal.

2. *Editing a style*

There are three ways to get to the **Styles Editor**. The **F**ormat, **S**tyles... menu choice, or <Alt-F8> bring up the "Styles" dialog. From there highlight the style to edit, and select the "Edit" button. Or, as noted above, double click on the particular style code in the "Reveal Codes" panel.

In this dialog a wide variety of codes can be selected for inclusion in the style, done just as if you were applying all the formatting codes to selected text. In WordPerfect one can include text and headers and footers and even another style in a style. Thus you are given more power than most of us know what to do with. Naturally, be cautious in this. The DocumentStyle should be kept simple. In the DocumentStyle limit yourself to those codes desired for the actual text of the document.
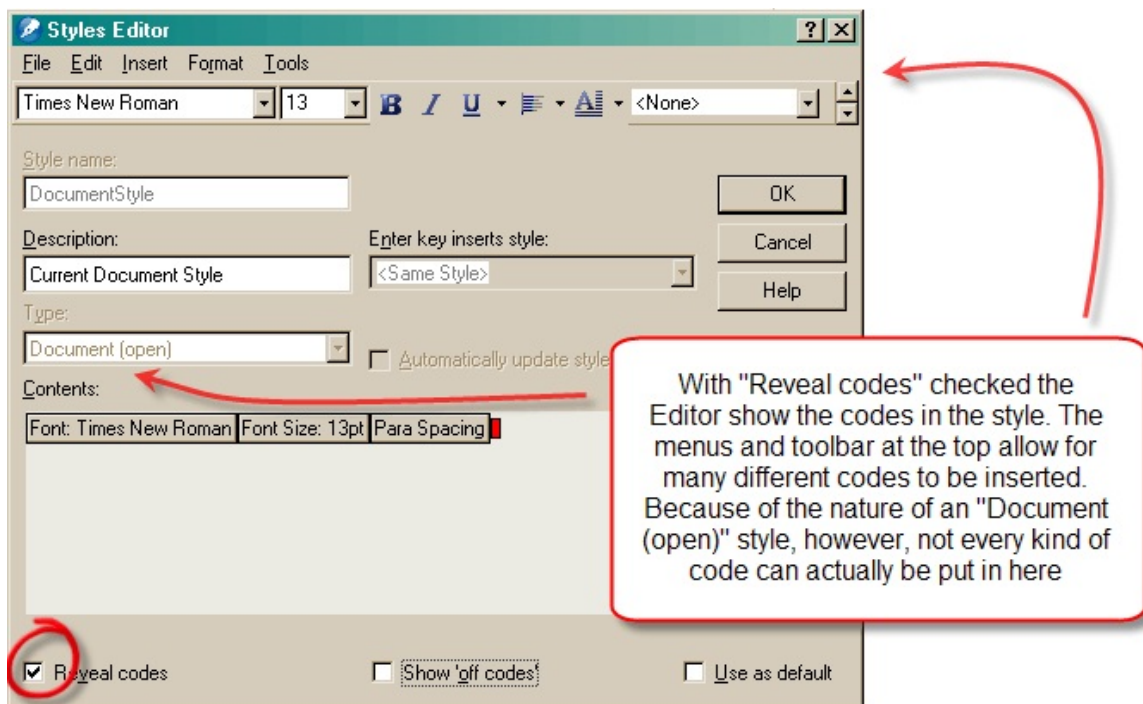
Codes can be entered for a style the same way they would be entered for a document. The "reveal codes" lets you see what you are doing

Editing a "paragraph" or "character style is only slightly different than editing an "open" "Document" style. That is because sometimes you have to be careful about the pairs

of codes. If you are marking a bold heading for it to be included in a Table of Contents, do you want the text to show up bold in the Table? If yes, insure that the bold codes are within the [T.o.C.] codes. In th example below the heading *would not* be bold in the Table of Contents. I do not believe that word has this flexibility.   When the "Show 'off codes'" box is checked there appears a block that is the placekeeper for the text that is encompassed by the style code, as seen in the next image at ③:

3.   *Creating a style*

Now that you are familiar with finding and editing styles, it is time to look at creating a styles. This is very simple to do. Like editing a style, it is just like entering formatting codes in a document, only you just have to do it once. You will again be using the Styles Editor dialog. Here you have to make a choice as to *what kind* of style it is (Document, Paragraph or Character) and whether hitting <Enter> should return to the defaults, or invoke the same or another style.

The biggest mistake made regarding styles for those who do try to make use of them — and this is true in both 🖋 WordPerfect a🅦 ord — is in making too many. If there are

more than a handful of styles to choose from then they will be hard to use, and inevitably mistakes will be made. A better strategy is to use a limited number of styles, and save them to several style files, each with different *definitions* for the set of identically *named* styles. Since it is so easy to make global adjustments to the styles to affect the entire document, there is no need to create too many style files either. We have one for drafts, one for memoranda, one on for each type of brief (state, federal, Petition for Writ of Certiorari). We do not need a separate style for letters or motions, as we make any minor adjustments in the format as we go.

This is all the more important because the usual display of available styles shows more than what we would use anyway. So already there is clutter to deal with in most documents.[8]

As a result, we only use eight styles to format a typical memorandum, brief, or letter - and 5 of those are heading styles!!

Styles Strategy in WordPerfect

It is essential to understand the difference between creating a new style, with a new style name, and creating a new style *file*, with the same list of styles defined differently. While there will be a temptation to define a separate individual style for each possible format of text (with permutations of font size, line spacing, margins, etc) with different types of documents in mind, this unnecessarily proliferates the number styles to choose from in your list and creates confusion

It would be better to make adjustments in the definition of a few styles and just save them in a different *style file*. Thus, for example, one would always use "Head 1" as the main heading in any document, but "Head 1" would just mean something different if a different style file were retrieved into the document.

Also in WordPerfect it is easy to fine tune a style for use in a particular document without worrying about proliferation of styles to choose from, as in Word, or the need to save that style for future use.

This is discussed further and demonstrated below at p. .

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[8] In both WordPerfect and Word it is possible to filter out the styles that are not being used in your document, and to delete unused or unwanted styles, to clean up the style interface.

<div style="border:1px solid black">

The Only Styles You Really Need

1 Space   To create single spaced text, for captions in pleadings, tables, index, and document closings, etc. Using such a code allows the marked text to remain single spaces no matter what changes there are in the rest of the document.

1,2,3,   A style used to automatically number paragraphs.

Head 1   Top outline level heading: **Points** in a brief.

Head 2   Second outline level heading, like "**A. Section**" at the left margin

Head 3   Third outline level heading, like "*1. Subheading*"

Head 4   Fourth level heading, like centered bold text, which can be used in affidavits and motions to add headings without the distraction of lettering or numbering

Head 5   Fifth level heading, like centered italic text.

Quotes   This would be for single spaced double-indented material quoted from other sources, typically in a smaller font, with wider margin. Like the **1 Space** style, text in this code would be insulated fro any changes in the default fonts, line spacing, etc. in the rest of the document

</div>

There are few documents in which the text cannot be fully formatted with these choices. The fact that covers to briefs and pleading captions and brief closings and signature blocks may use additional fonts and font sizes or attributes presents no problem with WordPerfect, which does not need to assign a new style to each uniquely formatted block of text. But in Word, every variation on a text style wants to create a new style, and this cannot be avoided. However it does put a premium on using a template to great such blocks of text consistently.

Although the disc that comes with these materials contains some files containing these styles, let's look at a step by step process of creating a new style.

The most simple style is one to create single spaced text. Navigate to the Styles menus before, and after selecting "Create," we return to the Styles Editor Dialog:

The difference in *applying* a character code is that you have to select the text to

which it applies and then select the code.

4. Styles Shortcut: "QuickStyle"

For those new to the task, WordPerfect provides a useful, but imperfect shortcut to the creation of a style. Simply prepare text the way you would like it to look, and then open up the Styles dialog and, with your cursor in the text you have formatted, select "QuickStyle." You are prompted to give a name and description for the style. The shortcoming of this process is that only those codes which affect the appearance of the text are imported into the quick style.

For example the following text shows heading and describes the kind of codes which would be typical in headings:
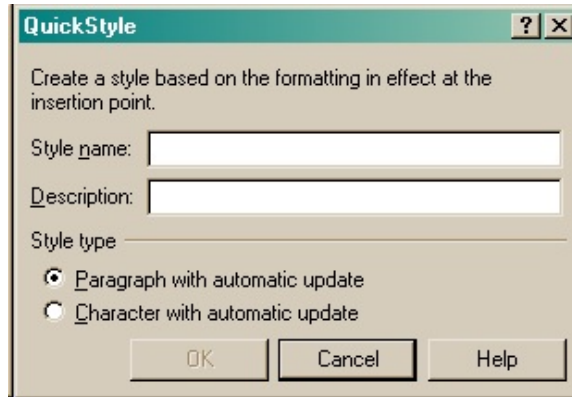
Main Heading in Brief

This heading is the default font style but in "Very Large"[9] size, centered, with margins at 2," marked for a Table of Contents, and single line spacing, and Conditional End of Page set at 5.

With the cursor in the first of these headings, if I invoke "QuickStyle", and name the heading as Heading1, we the following codes in the style:

---
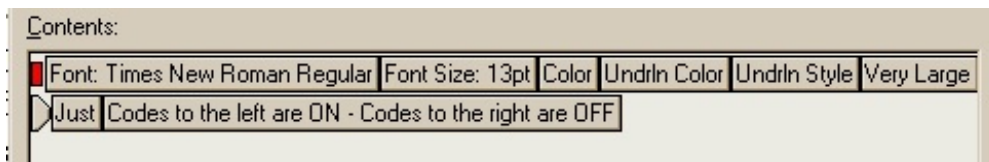
[9] WordPerfect allows relative font sizing, so that areas of text can be designated in size relative to the default font. This is often very convenient as changing the default font will result in proportionately larger or smaller relative sizes of such text. (*See* "Format, Font, Relative Size") Word does not have relative font sizing.

Thus it repeats the default font, adds some irrelevant codes, and sets the font size, justification as expected. But there is nothing for line spacing, margins set, Conditional End of Page, or Table of Contents. So this is a limited tool, but it might be helpful as a start in creating a style.

5. *Numbered Paragraph style*

Suppose we want to try something more difficult. Let's add another level to our numbered paragraph style, so that there could be subparagraphs numbered "(a)." This is a higher degree of difficulty.

Since the numbered paragraphs are based on a "Counter" rather than an outline, we have to first edit the counter used for this numbering to make it multi-level. The "Counter" controls are about the hardest to find. Go to **Insert, Other**, and select "**Counter** . . .":

Now we have a counter that has three levels (as exhibited in the following text):

1.   While the result looks like an outline, a counter is self contained, and does

not need an outline code in the document to make it work.

    (a) While it therefore lacks the functionality of an outline, it also does not conflict with any outline either.

    (b) [However, without using styles you can also create a set of numbered paragraphs using single level lists of numbers found in the Insert, Outline/Bullets & Numbers dialog.]

2.   As the next step, again navigate to the Styles menu as before.

    (a) after selecting "Create," we return to the Styles Editor Dialog:
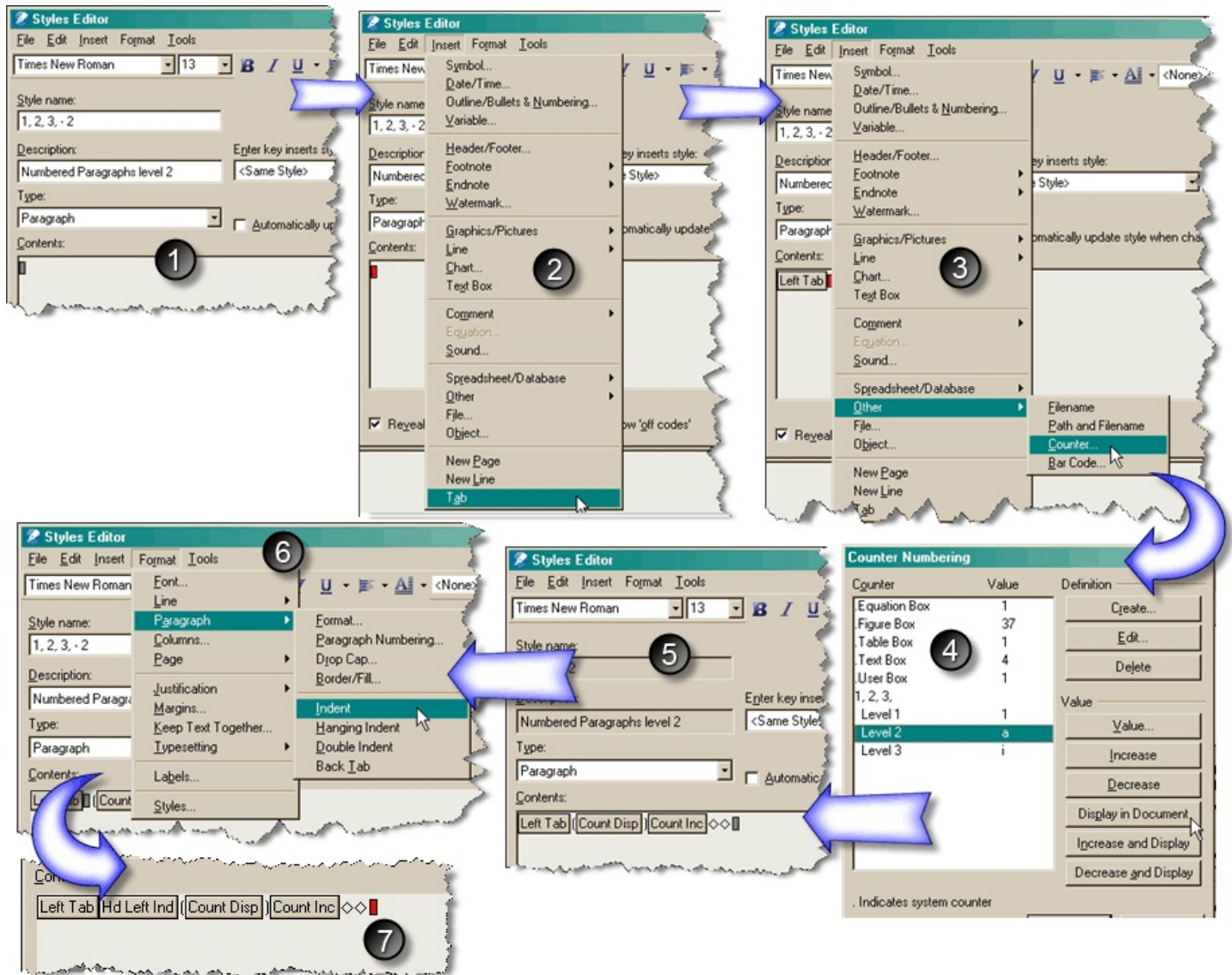
①We begin by naming the style so that it will sort below the "1,2,3," style; ② insert a <Tab>, which can be done by menu only; ③-④ in **two steps** insert first the counter ("Display in Document" and then an "Increase" code; ⑤ add parenthesis "( )" around the [Count Disp] code, and two spaces at the end; ⑥ in order to create a hanging indent use the Format menu to insert an Indent ("Hd Left Ind") code. Now the style "1, 2, 3, -2" appears in your style list.

B.   Saving and "retrieving" styles

A unique set of styles can just be left in a document or a template of any type. However, using the "**Format It Once**" approach, styles you spend the time creating may be candidates to be saved for reuse. The first step in this is to save the current styles in a document to a file.   That set of styles will then be available to be retrieved into any document or template for reuse.
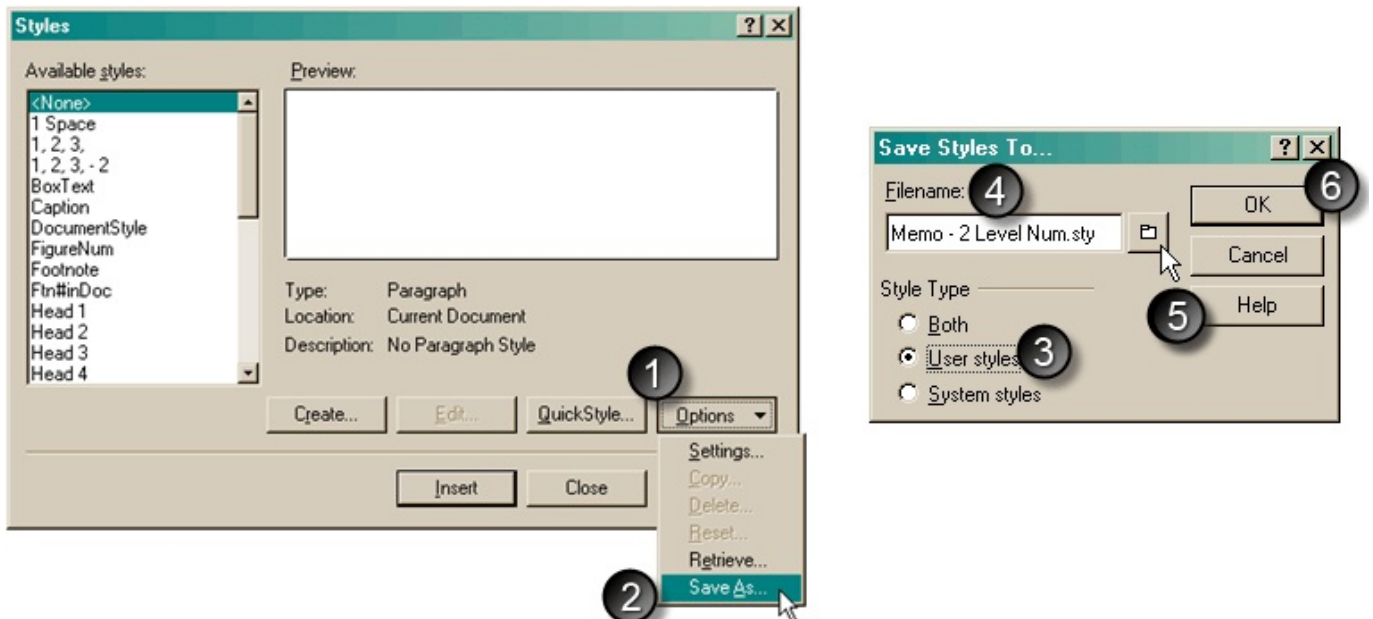
To save a set of styles ❶ select "Options" from the styles dialog box and ❷ then "Save As..."; ③ choose whether to save just the "User Styles" (preferred); ❹ - ❺ decide on the name and location to store the style file - the ".sty" extension is arbitrary; ❻ save.

There is no name in WordPerfect for such a file type (and nothing comparable exists in ord). As a convention here I designate a file which contains a collection of styles using the extension "**.sty**").[10] Also, when you save your styles as a file, you are saving the set of

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[10] We set a subdirectory aside just for styles in a directory called "Archived Corel Files" which we keep separate from the program files and the "Documents and Settings" directory for ease of locating. This includes a subdirectory for additional macros and templates we have created over the

styles, not individual styles.[11]   They becomes attached to a document as soon as you "retrieve" or "create" a style while in that document, or if that style is embedded in your current template. However these styles does not affect the appearance of the document unless or until a named style is specifically invoked.

Note: a "style" file cannot be "opened" in WordPerfect like a document. It only is there to be "retrieved" using the Styles dialog.

You can change the style definitions in a document as you go along and those changes will stay in that document so long as you do not retrieve another style file. They will not affect the .sty file you had retrieved unless they are saved over that file.

To retrieve a style file. Select "Options, Retrieve" from the Style dialog <Alt-F8> box and browse for the style file. I recommend a single directory, "Styles," for style files. (The location of style files is not able to be set in the file settings dialogs)

C.   **Managing styles**

Because you will get additional styles in your documents that you do not need, you must know how to remove the unwanted and unused user styles (Remember you cannot delete a "System" style.) You also should know how to control what styles you see, to keep your interface simple.

1.   *Deleting styles*

Remember that you cannot delete a System style, even one that you have edited. To delete unwanted or unused styles, highlight a style in the Style list and then select "**Options**" and "**Delete**." This will not delete any style at that point, but only take you to the "Delete Styles" dialog. From there you can select the styles to delete (use the combination of <Ctrl> and a left mouse click to highlight several styles for deletion.

Styles can also get into a document when text is imported that was created in that style. Imported Word and WordPerfect documents will have unfamiliar and useless styles that you would do well to remove. So you might find styles present on your Styles list that

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[11]   When saving the styles you get a choice whether to save your created styles ("User" styles) or the "System" styles as you have edited them, or both. You cannot save an individual user style except by deleting all the other user styles in the current document, and then saving only the User styles.
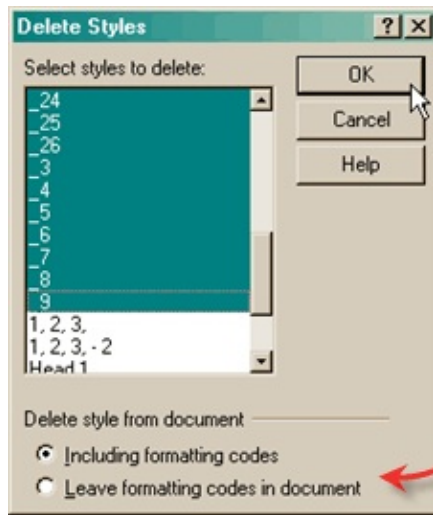
Usually you will want to make sure that the codes associated with the styles are deleted also, but not always -- so be aware that you have that option.

After selecting styles for deletion, click "OK"

This only deletes the styles from this document. It does not affect your template or saved style file unless the new set of styles is saved under the same name.

you did not expect.

2. *Displaying styles in the style list*

Because there can be s lot of styles present or available in the file, and because the same style might be in the default template as well as the current document, especially if you see duplicates in your list, you can set the "Settings" in the Styles dialog to display only the styles in the template or in the current document. That setting only "sticks" for the current session of WordPerfect. In 🆆   ord you can similarly adjust the styles that are viewed.

Do not *delete* "duplicate" styles. It is a new anomaly in WordPerfect that there is a duplication in the list of styles. However, just ignore it.

D. **Outlines and Styles**

When it comes to preparing or editing heading styles, it is essential to understand the interaction between formatting styles and outlines in WordPerfect. What essentially happens is that two styles are merged together — a heading style that controls the appearance of the text, and an outline style that gives the hierarchical structure and numbering to the headings, and lends to your headings the power features of an outline.
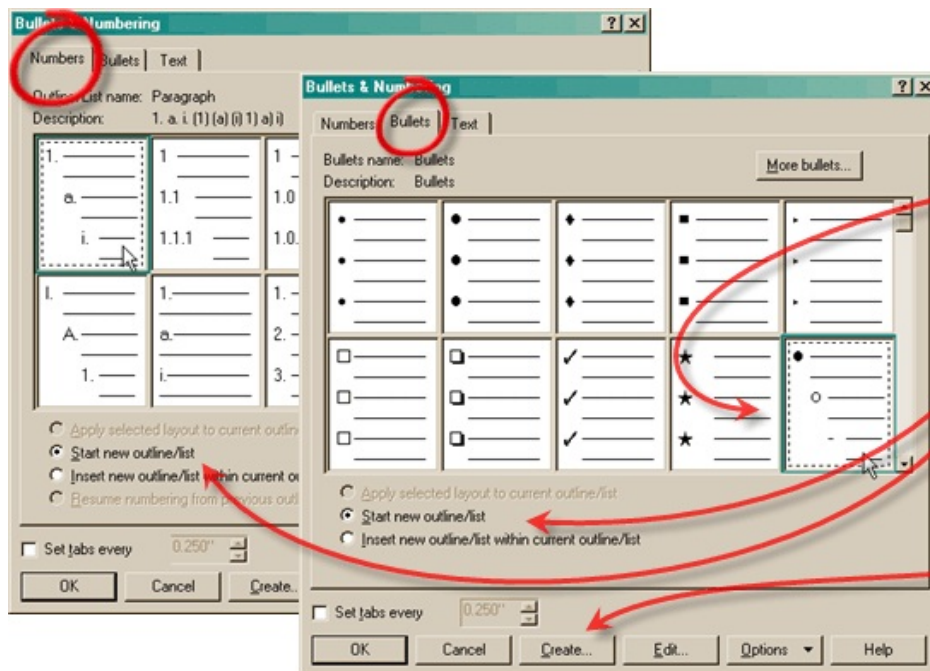
Let's first take a look at the Outlines feature.

31

1. *Outlines.*

"Outlines" [Insert, Outline/Bullets & Numbering] represents a tool which serves three basic functions. First, an Outline is a multi-level structure which may use numbers, letters, combinations of numbers and letters, or icons, as well as indenting, to show the sequence and hierarchy of thoughts presented in the text. It can stand alone as the basis for an oral presentation, or be used as the structure for a more expanded document.

Secondly, the area that is outlined can have certain tools applied to it to easily enter new headings, to elevate the level of a heading in the outline hierarchy, collapse section of the outline, reveal only certain levels of the outline, or hide the text, revealing the headings alone, and various combinations of these states.

Thirdly, the outline can be used as the hierarchical structure for headings formatted by a style code, combining the functionality and control provided by the outline tools, to effortlessly switch between one heading level and another, and the powerful ability to edit and swap in a different style definition file to completely change the look of the document from one standard to another.

A variety of Outlines and Bullets are available to insert in a document.

Note that one very useful "Bullet" list actually acts as a multi level outline -- very useful for outlining witness exams, oral arguments and presentations

More than one outline can work inside a document and within another outline.

You can create your own outline too, or edit an outline and save it just like a style.

When combined with heading styles, the outline feature allows easy creation of

headings at different outline levels, and permits the easy relocation of headings with their accompanying text to a new location. The text body can be "hidden" so only the outline shows, again to relocate headings (with their text) and to view the structure of the document.

One of the main advantages of using the outline feature in your word processing program is that, by incorporating outlining headings to organize your material—whether in Word or WordPerfect—you already have done what you need to do to create a **Table of Contents**. A proper heading style will always result in the heading being included in the Table of Contents. The table of contents at the beginning of this monograph was created in this fashion (and in WordPerfect the hyperlinks to each page can be created, and, as here, preserved when you create a PDF file from it).   This required no more work than simply designating where the Table of Contents was to be inserted.

Thus, there is absolutely no excuse for not creating a Table of Contents in any legal memorandum or brief, and no reason to do it manually. However, in even the largest firms, I have seen briefs where the table of contents had to be created manually, after the fact, because no one understood how to use the heading styles or, in default of that, how to mark individual, manually created headings for the table of contents.
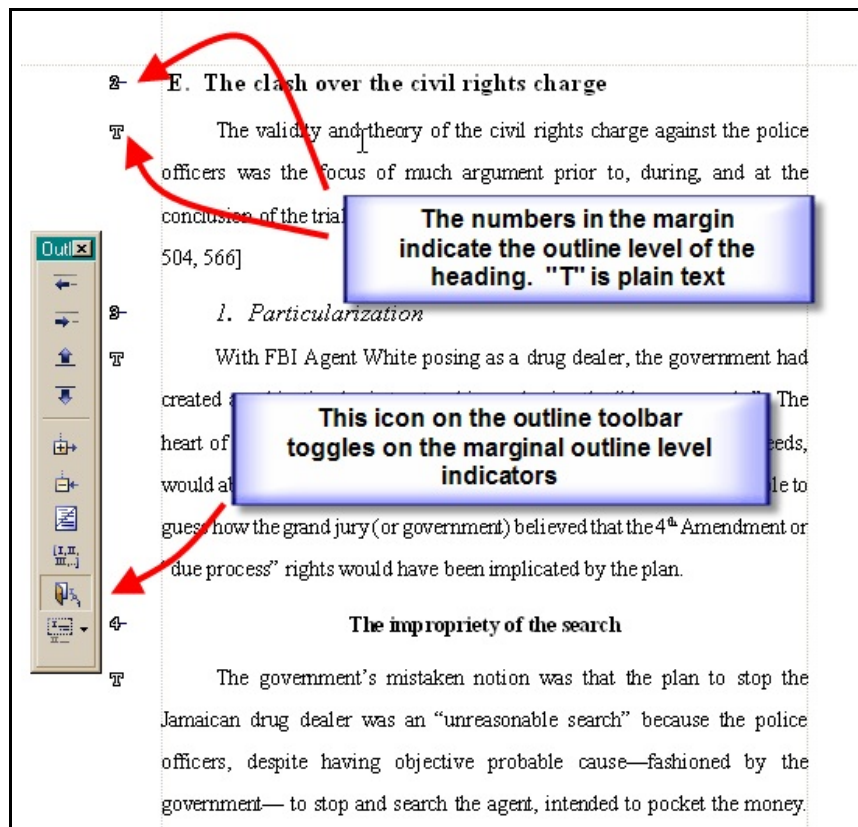
WordPerfect's Outline Tools lets you add, promote/demote headings and reveal heading levels

Statement of Facts[1]

When the up/down arrow appears in the margin, one click will select that heading and all its text for moving, cutting, copying or deletion

Clicking on the "Hide body text" icon toggles between hiding and revealing the text under that outline
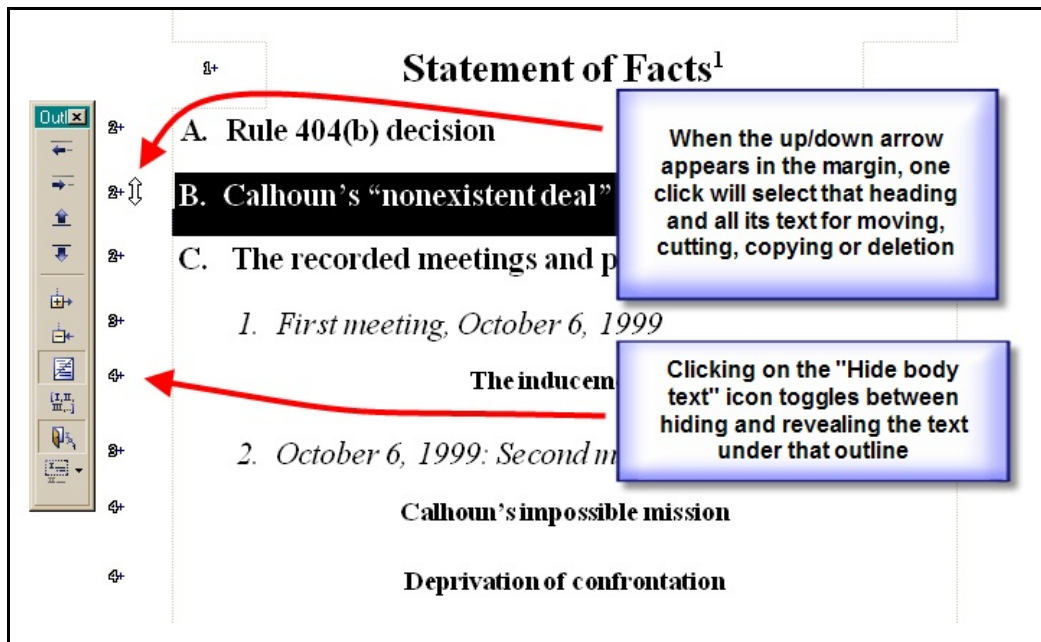
The same area of text as in the previous view, but with the outline collapsed. Hiding the text reveals the outline headings. Selecting a heading grabs all the text under that heading tool, and it can be dragged to a different location in the brief.

2. *Heading Styles + Outlines*

How do we create a set of headings so they have the power of an outline? First the headings styles have to be created with a view toward what appearance we would like, and whether it will be numbered or not.

To do this it is best to begin defining your headings from within the Outline/Bullets & Numbering dialog. (Insert, Outline/Bullets & Numbering). Examine the types of outlines available and choose which most closely fits your idea of the right outline structure for your headings. Since I caution against a numbered heading for the top level heading, if that heading will be used for "Statement of Facts" or "Point 1," ignore the top level numbering and look at the numbering below that. For now choose the outline called "Outline" by clicking in the pane. Since these outline styles are not editable, click on the pane for this and copy it to a new outline, by selecting "Options," "Copy."
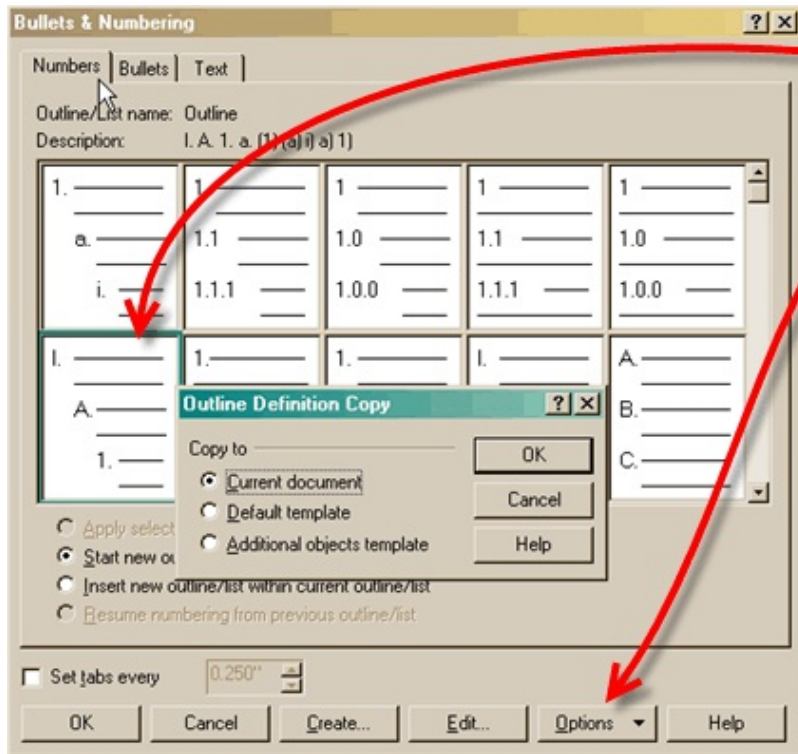
Select the outline to use as an example, and make a copy of it (Options, Copy) to the "Current Document." When you click "OK" you will be prompted to give it a name. The name you give it will not be a "file name" at this point.

Now highlight the copy you have just made and click on "Edit":
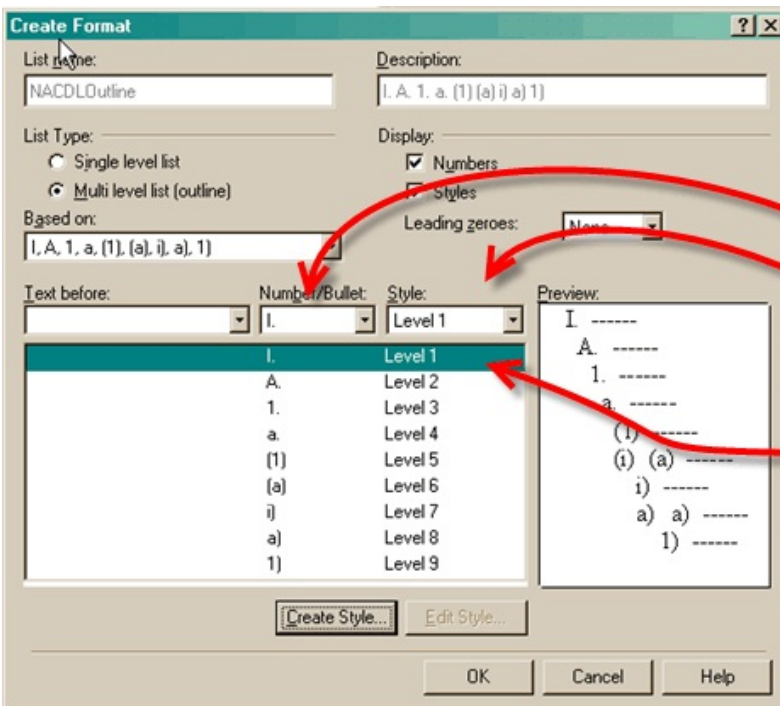
This is the screen where outline levels get linked up to heading styles

You can adjust the numbering system using the pulldown menus.

Highlighting an outline level, will make that level active in the editing area.

The pulldown menus let you select a numbering scheme for each heading level. Since we are planning on an unnumbered top level, and unnumbered 4th and 5th levels, we simply delete the numbers for those levels. To do this, highlight the level, and delete the numbers that appear in the "Number/Bullet" box. The result will look like this:
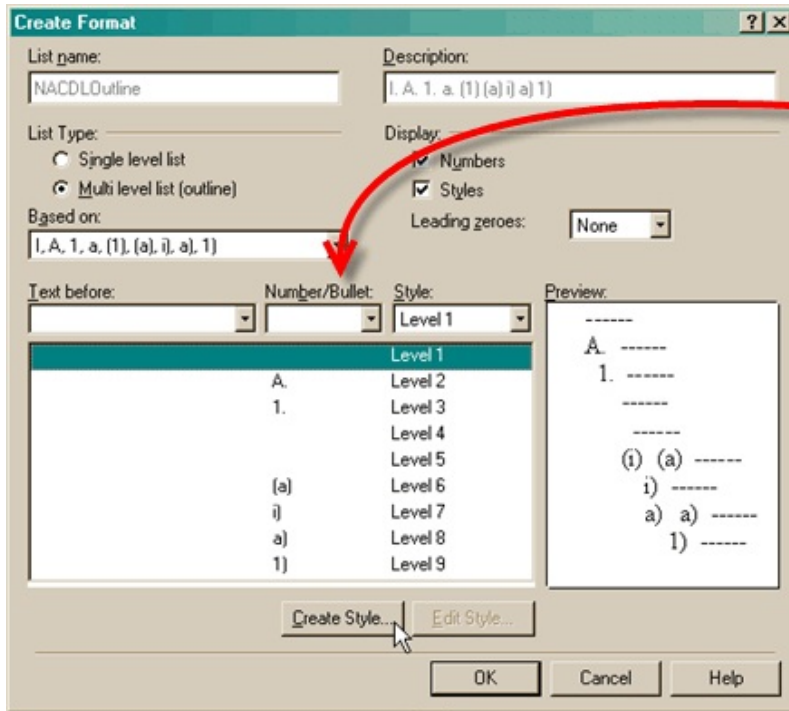
After simply deleting the numbers and letters, Levels 1, 4 and 5 now show no number associated with the heading.

Note the "Preview" pane. Check out the pulldown menus to see the choices available.

If you wanted a number to have parenthesis "( )," or not, those could be added in the Numbers/Bullets box.

The next step is to create the heading style. Select "Create Style" and the Styles Editor will open, with the critical ParaNum code appropriate for that outline level. Because of this code, the heading will display the third level outline number for any outline that is active in a document where that heading style is in place.

The heading styles you create, one for each outline level will replace the Level 1 - Level 5 Styles, the uneditable system styles, listed in this dialog.
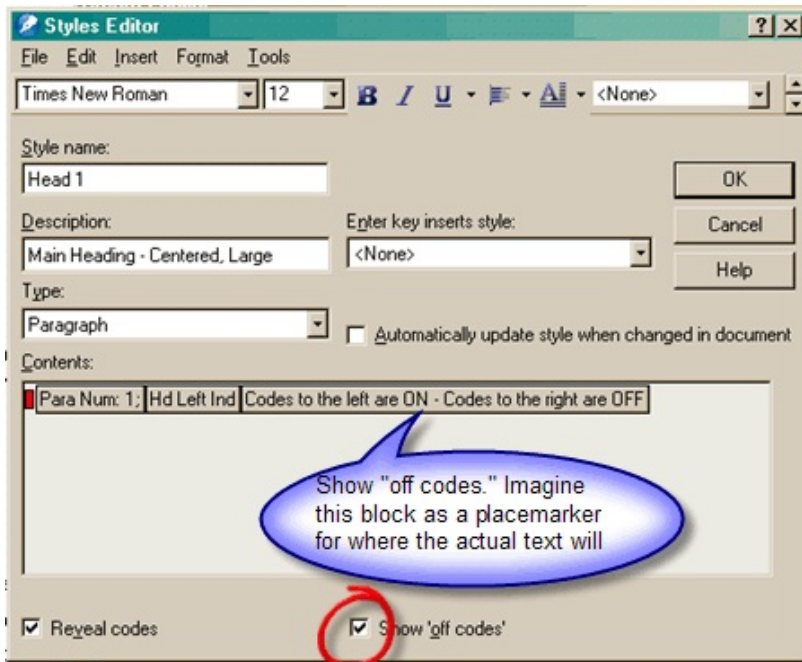
Name the style -- here we are using "Head1" -- give it a description, and select <None> for what happens when <Enter> is hit.

Although this heading will not have a number to display, it is best to leave the ParaNum code in.

Now start putting in the codes needed to format the heading the way you want it to look. It does not have to be perfect, you can always edit it more afterward.

After completing the editing of Head 1, you will see that that style is now associated with the top heading level:
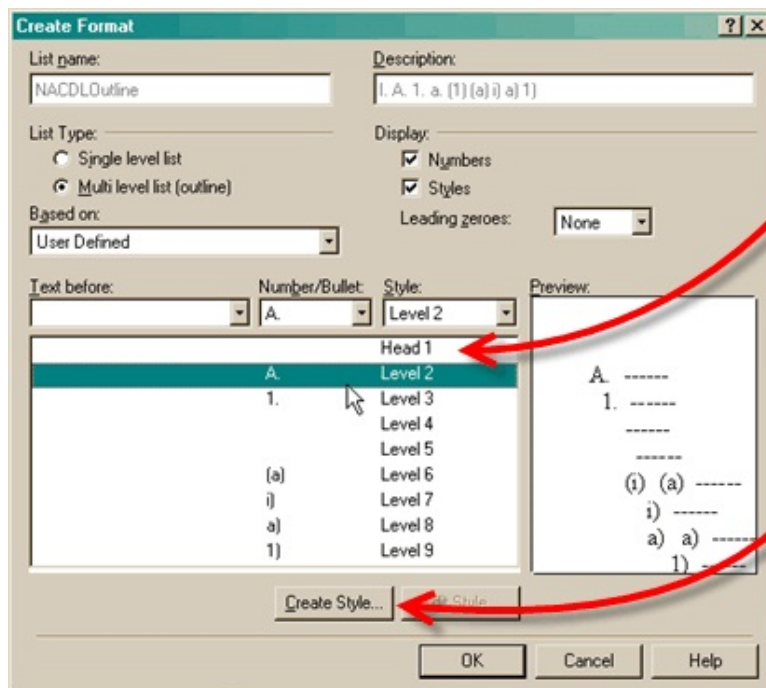
After creating the Head 1 style, it appears associated with the top level.

Now click on the second level and then "Create Style" again to create Head 2

Continue from this point to create each heading style for each outline level.

To convey an idea of the codes that could be used in headings, the following text illustrates three levels of headings with the description of the codes underneath – along with how those codes would look in the "Styles Editor" screen once in place. Again, these headings, and the 4th and 5th level headings, are described above at page .

Remember that codes will appear differently (*i.e.* more detailed) in "Reveal Codes" when the cursor is on them or to the left of them.

Main Heading in Brief

This heading is the default font style but in "Very Large"[12] size, centered, with margins at 2," marked for a Table of Contents, and single line spacing, and Conditional End of Page set at 5. "Advance" codes will set this heading off from the text above and below it.

The codes for the style for this heading, after being entered in the Styles Editor dialog, will look like this:
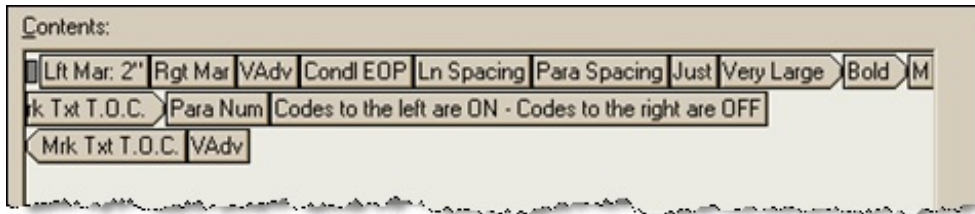
A. Section Heading in Brief

This heading is the default font style but in "Large" size, with the right margins set at 1.5," marked for a Table of Contents, and single line spacing, and Conditional End of Page set at 4. It has an "Indent" code after the section number to cause a hanging indent on the second line if the heading were that long.

---

[12] WordPerfect allows relative font sizing, so that areas of text can be designated in size relative to the default font. This is often very convenient as changing the default font will result in proportionately larger or smaller relative sizes of such text. (*See* "Format, Font, Relative Size")

Contents:
| Rgt Mar: 1.5" | Condl EOP | VAdv | Ln Spacing | Large | Bold | Mrk Txt T.O.C. | ◇ | Para Num | H |
d Left Ind | Codes to the left are ON - Codes to the right are OFF |
Mrk Txt T.O.C. | VAdv |
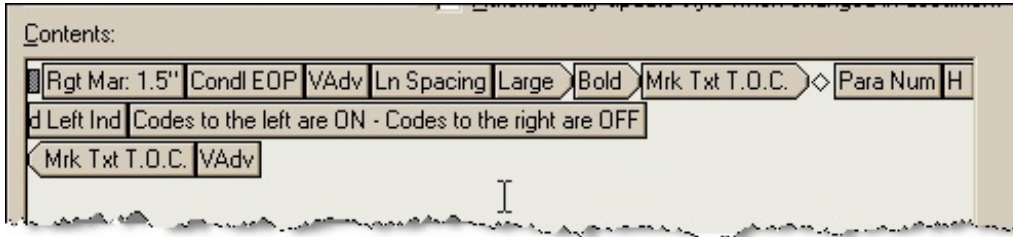
1. Subsection Heading in Brief

This heading, which we can name "Head 3" is also in "Large," italicized, with the right margin also set at 1.5," marked for a Table of Contents, and single line spacing, and Conditional End of Page set at 4. It has an "Indent" code before the section number to cause a hanging indent on the second line if the heading were that long. Once entered in the Styles Editor, the codes would look like this:

Contents:
| Rgt Mar | Condl EOP: 5 | Left Tab | VAdv | Ln Spacing | Large | Mrk Txt T.O.C. | Italc | Para Nu |
m | Hd Left Ind | Codes to the left are ON - Codes to the right are OFF |
Italc | Mrk Txt T.O.C. | VAdv |
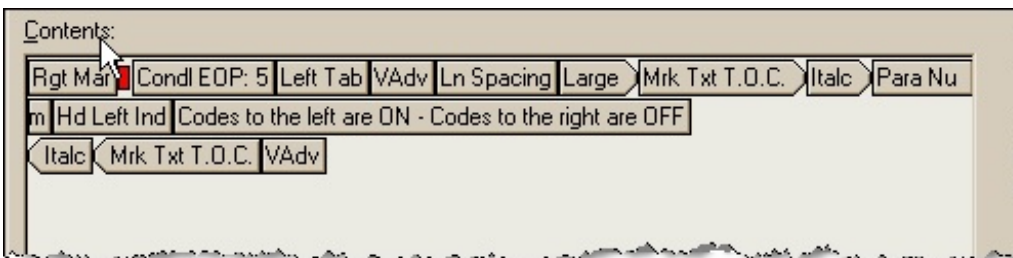
After creating three (or all five) headings (Head 1 through Head 5) in this fashion, each new heading should now appear in your list of styles available in your document. To make them work as you expect, insert your new Outline at the top of the document. The headings should look more or less like those in this manuscript. If not, or if that is not the way you want them to look, just use the Styles Editor to adjust them.

3. How many styles to create?

I have repeatedly said that, when it comes to styles, you need to keep it simple. The fewer the better. Word users — if they pay attention t styles at all — generally have to get used to a list of dozens of unintentionally created "styles" which are hard to distinguish by their names or function, making it difficult to consistently select a style to achieve a desired look. (I offer solutions to this inherent problem in Word later)

WordPerfect at least does not create styles for you. It is so simple to change the appearance of text, even all the text, without them, that it is easy to keep the list of user-created styles simple. You are not constantly torn between changing the default style or creating a new one.

But if you do have certain "looks" you want to preserve for future use, it is best to think about creating new sets of definitions, *in a style file,* for the same simple set of named styles, than to create a different set of heading and text styles for each look. Read again the"Styles Strategy" box above at p. But this is explained more in the next sections.

When I create a *new* style, it is usually for a special type of document, other than a legal pleading, wherein I want to make it easy to vary the looks for certain repeating headings or types of text, or where I am taking special advantage of the ability of styles to include text — as style for jury instructions, or for a "Q. & A." format.[13]

4. *Saving the Formatting and Outline Styles*

At this point, at least in the currently opened document, you will now have several styles that you have created, or perhaps a set of styles imported from the handout disc, as well as a new outline definition that works together with your styles.

We now want to save this work so that it will be available for future use. There are several options here. First is to simply save the formatting styles to a file, and that file can be retrieved when desired, into any later file using the Styles dialog, in the case of a text style. Similarly, an Outline style can be saved to disc, and also retrieved later on, by using the Outline/Bullets & Numbering dialog. In either dialog select "Options" and "Save as."

As noted previously, I save the text formatting styles to a file with the extension of ".sty" and an outline style to a files with an ".otl" extension.

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[13] As an example of the *ad hoc* creation of a style, in one case there were about 20 different firms appearing for the various accused. To create a service list and a "signature block" with all counsel on it, we wanted a mixture of font sizes, with the attorneys' names larger than their addresses. The information was put in a table format, of course, with four across. By having a style for "Attorney name" and "Firm Name""Attorney address" and Client name" we could easily define and redefine each style to change the font and font size and attribute and line spacing, etc, for each type of text independently to achieve the desired look, and size the text to fit the four-across columns.

Another example is in the "Case Name" style in the "Case Collection" template. Marking a case name in a case collection with this style not only adds the case name to the list of cases — using the ToC, but it adds it to the "Quotes" a "List."

Additionally, a formatting style and an outline style can be saved to a template of any type, including, of course, your default template, so they are always there to use, and fully functional as soon as you open a blank document.

Thus, you will have **two relevant style files defined**, and saved to disk and to your default template, one defining the text attributes of the various styles, and one defining the outline structure associated with each heading style. That outline style will control whether and when a number or letter will appear in a heading and what that number or letter will be. The other style file will define how the text should look.

That collection of the text styles can be redefined and saved under a different name, to fit a different purpose, and yet, as long as the number display codes have not been changed, they will work with any outline. And, if you draft a document with one style file retrieved, you can completely change the look of the document simply by retrieving another style file with different definitions for identically-named files.

To test this out, prepare a document with the heading styles as defined in memo.sty. The retrieve the styles in brief.sty and see the difference in the appearance of the text. When I want to change a 1" margin, 1.5 spaced, 12 pt. type size memorandum to a 2¾" margin, single space, 14pt. type size brief at the 2nd Circuit, I simply retrieve a different style file, Brief.sty, which gives a different definition to the styles of the same name, giving the document a new look. I edit nothing. There are no line spacing codes to change, no font sizes to change, because there are no such codes in use in my document apart from the styles.

What might have been hours of reformatting using manual techniques is accomplished in a matter of seconds.

You can save your style files to your default template so that they will always be there when you start a new document. You can create a style just for one template and it becomes a template style.

<div align="center">

Networks

</div>

On our network there is a default template on the server to which all the workstations point. (We also keep all the macro files on the server and style files.) This allows easy distribution of a standard set styles, including the default style on the template, as well as our own customized toolbar and power bar so that every workstations starts out with the same appearance.

All you need to do is create your own default ".wpt" with the outline and text styles and toolbars you like and put it on your server and then have each workstation point to that location on the network for its default template (using the Tools, Settings, Files menu).

Alternatively, actually the alternative most often suggested by Corel is to have the default template directory on the individual computer, especially portable computers, and have their default template be updated whenever there is a change to an "Additional Objects Template" that is resident on the server. The location of these files, in a network environment, with a mind to keep project templates organized as well, takes some planning. (Recall the discussion above at p. <u>7</u>, about the relationship between your file settings for the template and additional template directories, and what will be displayed in the "Perfect Expert" template dialog.)

Larger firms will want to check out the Corel network administration tools for more options to maintaining resources on the network and distributing them to workstation users

5. *Outline functionality in headings*

Using styles together with outlines is also convenient because you can select the "Hide Body Text" button on the Outline toolbar to collapse your document down to the outline it is built on and see only the headings, not the text. (You need to have the Outline toolbar displayed for this) You can move the headings around to reorganize the document, and the text (which you cannot see) will move with its parent heading.

Additionally, the left and right arrows in the Outline toolbar with actually start and promote and demote headings, just like they would operate in a pure outline.

6. *The "other" styles: headers, footnotes, etc*

Now that you understand how to edit styles, you also have the ability to edit the styles that control the appearance of Headers, Footers, Footnotes, and so on. This gives you complete control over the look of the document. And if you save these styles as defined to your default template, you only have to set them up once.

E. **Reference Tools in WordPerfect - Tables, Lists, Cross References, Indices**

There are an array of navigational tools in WordPerfect which range from the "Mission-Critical" to just really useful. Tables of Authorities and Tables of Contents are critical, and are easy to use. However, in many offices they go unused just because no one has taken the time to experiment with them. The great advantage of using these tools over manual methods is that one can freely make last minute changes to the text, affecting the

content and pagination in these tables without worrying about whether they will be accurate if regenerated at the last minute.

There is no worse "tail wagging the dog" example than the lawyer hesitating to improve a memorandum or brief at the last minute by moving, or removing a paragraph because the lawyer or someone else would not have the time to make changes to a manual ToC or ToA.

However there is another, equally important feature in these and the rest of the "generated" elements in WordPerfect. Once they are in place they can speed up your ability to navigate in the document, by using the "hyperlinks" that can be generated, and by virtue of the fact that these elements can appear in the "Document Map." While one can find hyperlinks in a Word table of contents, one cannot do so in its Table of Authorities, or index, if one were to bother to try to create them, which is not very likely.[14]

In WordPerfect, all these features are accessed through the "Reference Tools" dialog.

1. *Table of Authorities*

This feature is simple to use, but very few seem to have taken the time to learn how to use it. There is a audio-visual tutorial on the disc containing these materials that guides the user through the steps of creating a Table of Authorities.

A table of authorities is best done at the conclusion of the writing process. Caution: of you have documents containing ToA markings from earlier versions of WordPerfect, the best advice is to delete those codes and start afresh, due to potential corruption issues.

Remember that there can be several tables of authorities, and they need not be cases or statutes, etc, or even located contiguously. For example one table could for the Exhibits listed in a pleading, generated just before the appendix to a brief or memorandum.

Available third party tools for creating a table of authorities are discussed below at 54.

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[14] It is unlikely because this is an area where WordPerfect leaves Word in the dust, in my view. While a Table of Contents can be generated automatically from properly set up document headings in Word, the Table of Authorities and Index functions are so cumbersome that firms who do automate the Table of Authorities usually use a third party program. Even the Help screens in Word refer users to third party products to use. There is no "List" or functionality in Word.

2. Table of Contents

We have already seen that the Styles feature should be used to gather the entries to the Table of Contents. However it is extremely simple to mark text for a table of contents manually, and to generate the table.

When **marking text** for the table, first select the text to be included, usually a heading or label of some sort. The open the Reference Tools dialog (Tools, Reference) and simply select the level for this entry in the Table:
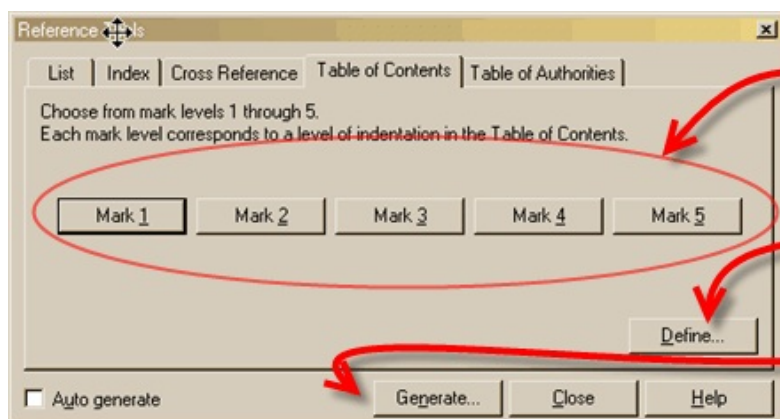
"Define" has the same meaning for all reference tools. It controls how and where the table will appear in the document.

3. Index

Just within your word processing program with an electronic transcript at hand you can create your own index to the record using the "Index" functions right in WordPerfect. While some stenographers provide their own "index" to the record, it is just a word index, where virtually every word is indexed. For analysis purposes it is more useful to index the record manually according to the relevant topics. Current indexing features in word processing programs are cumbersome, but effective in analyzing a small number of issues.

In analyzing a decision, or an opponent's argument, it is often useful to create an index of the concepts contained therein. WordPerfect allows for a two-level index, and any words or phrases designated as index headings or subheadings can be reused from a pulldown list:
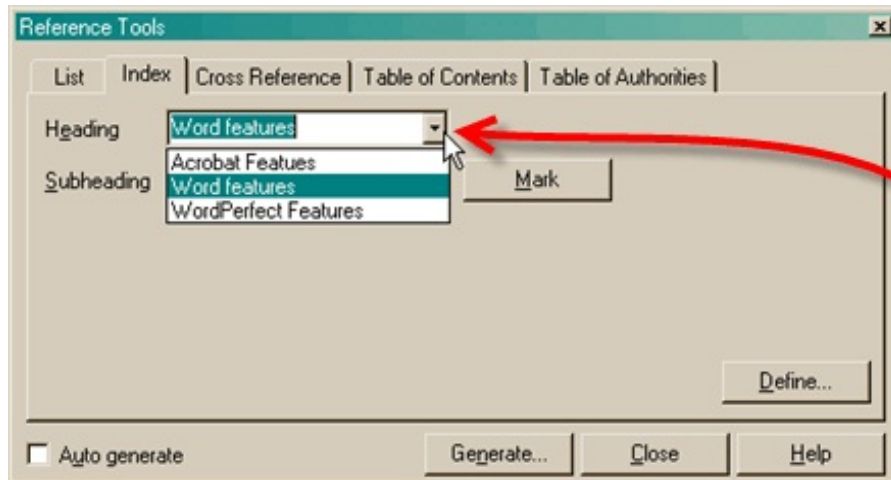
Heading and Subheading entries made in the Index appear in pulldown lists to make repeat entries easy and accurate

You can create a "concordance file"— a simple text file listing specific words or names designated as the "concordance" file. All those words will be automatically indexed. You can also use WordPerfect to create a concordance file of all the major words in the document, much like the word index that comes attached to many transcripts.

4. List

"List" is a very useful feature, only found in WordPerfect. Several lists can be created in the same document. A list is created by blocking the relevant text, and then, in the reference tools dialog, selecting or creating the list name, and selecting "Mark." Designate where the list shall be displayed in the document by putting the cursor at that point and, again in the reference tools dialog, "Define" the list.
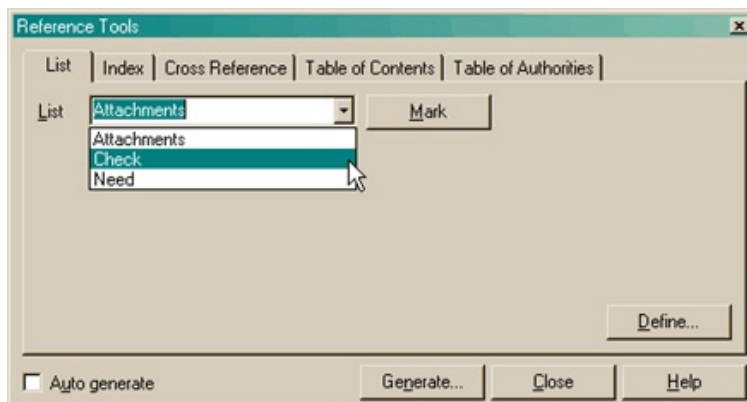
It is extremely simple to create lists in a document and "Mark" selected text in the document to appear in individual lists.

Although there can be a number of lists, individual text can only go in one list

A text list when "generated" shows each block of text which the reader has marked

in the document, ordered in the same order as they appear in the document. The generated list, for example of the Prosecutor's outrageous comments, or the rulings denying defense objections to evidence, can contain a"hyperlink" to the page in the transcript where the comment actually appears.

This technique is especially useful if attempting to catalog a particular type of repeating errors in a trial, like a list generated of leading questions not objected to.

One critical uses of the "List" feature in our office is as a means to extract the critical quotes from reported decisions collected together in a "Case Collection". An example of a "Case Collection" is on the handout disc. It is, essentially, a way to organize research into topical collections, with a list of the cases, and a list of "Quotes" from those cases so that months or years later a person looking at the Case Collection can quickly determine what the research and cases were about, rather than poring through stacks of highlighted paper printouts.

Another use: when preparing a brief or memorandum I often come across a phrase or a citation or page reference that needs to be checked, or reference to an exhibit that needs to be attached. Rather than interrupt my workflow, I simply "mark" the text to a list called "Check" or "Need." We generate such lists at the end of the document, where they are hyperlinked back to the text so that whoever has the task of resolving these issues can easily locate the text where the issue exists, correct it, and remove the item from the list of things to do.

5.   *Cross-References*

In motions and briefs there is frequently the need to refer ahead and backward to material elsewhere in the document. It is very easy to create a "cross-reference" where there is a *reference* in the text to a *target* elsewhere. Targets are given short descriptive names for identification. References can designate whether the reference is shown in terms of a **page, paragraph number, "counter"** (as in the paragraph numbers used in the styles we created before) and **footnotes**, and more.   These cross-references can be extremely useful to the reader, and they have the advantage, like all the Reference Tools, that the page numbers are updated each time we "Generate" so that the writer need not worry if they are making a reference to paragraph 66, which might later be paragraph 42 – the number will always be right.[15]

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[15] In order for the paragraph numbers to be correct, the "Target" code has to be inserted to the left of the paragraph style code containing the number to be referenced.

F. Navigational Tools

One advantage that paper documents seem to have is the ease with which we can "browse" them, mark a spot by dog-earing a page, or putting in markers, for example. There are several tools in WordPerfect that correlate to these navigational aids.

1. Bookmarks

One of the most useful items is the bookmark. The bookmark tool allows you to define any number of bookmarks to help you rapidly move to sections of a document or points of interest you have labeled.

If there is a word (or case name, for example) that your want to be a bookmark, select that word or phrase and open the Bookmark dialog and select "Create": the word you have selected are prompted as the name of the Bookmark.

A most convenient feature is the "QuickMark" which saves your place in the current document and allows you to easily return to it.
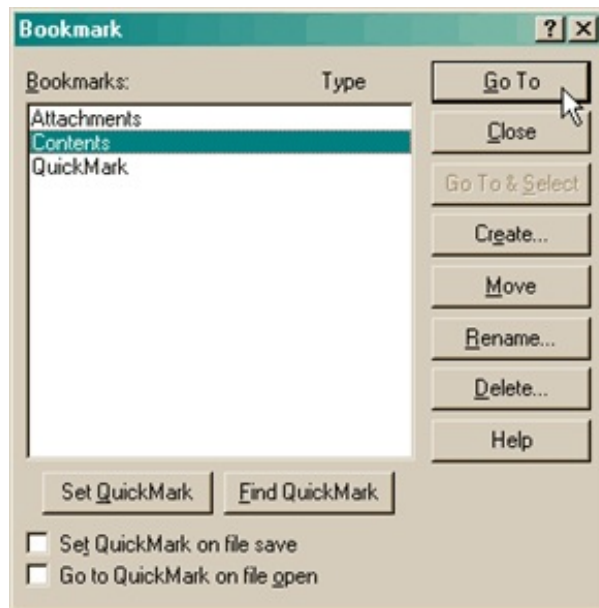
Bookmarks are sorted in alphabetical order. Here the user is about to jump to the Table of Contents.

Note you can go to the QuickMark by selecting it and hitting "Go To" or clicking on the "Find Quickmark" button

Figure 56 - Note the check off to set a QuickMark to place one where the cursor is when saving a file, and to open the file to that point.

2. Document Map

Stolen from Word, WordPerfect has made good use of the "Document Map" (View, Document Map). As in Word, the Document Map in WordPerfect rewards the user who uses heading styles to organize their documents, because the Map shows text that is marked for Tables and Lists, the Index, and, of course, Table of Contents. Any one of these references can be isolated for display in the map, or all of them can be revealed. This provides a quick peek at the organization of your document and a fast way to get wherever you want to go. A simple click on a heading in the Document Map takes you to it.
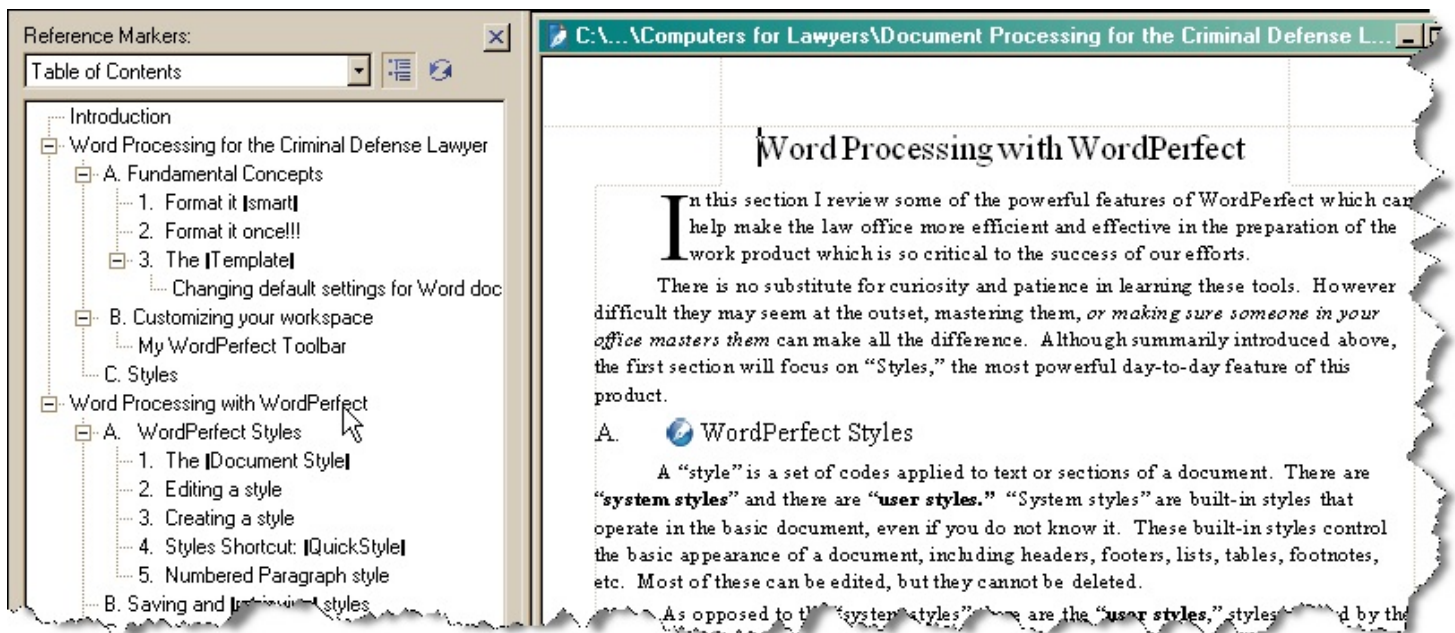
The Document Map allows one to quickly navigate to headings

G. **Document Assembly tools**

Many documents used daily in law offices can be contained in, or at least started with a template, a merge, or a macro. Of course there are excellent third-party products, like HotDocs to aid in document assembly.

There are a predictable array of document types in use in a law office. Once they become familiar with the power of "Styles" people often try to create individual styles for

each of these document types, like a top level heading for letters, and another top level heading for memos, and another for faxes or forms. However this proliferation of styles gets too cumbersome too quickly, and the naming of each style gets so idiosyncratic that it is hard for anyone but the original author to understand the purpose of each style.

What many offices do to address the different document types is use a cut-and-paste, or search-and-replace approach to document assembly. Start with a prior brief, or motion or letter, and just edit it, or use "search & replace" tools to adapt it to the new matter. While there is some comfort in this approach, compared to starting with a blank page, these tasks can be much better accomplished by at lest starting with templates, merges or variables. And other tools will help complete the job more efficiently.

1. Templates

Any file that you create in WordPerfect can be considered to be a "project." WordPerfect (actually Corel for all its Office applications) an option that allows you to organize projects into categories for easy access in the future as, basically, forms. For example, if you have a report, spreadsheet, and presentation you use for regular meeting, you may wish to store all of the files associated with the meeting in one category. It then provides the tools to create templates based on these forms which, when opened, prompt the user to enter the information needed to complete the form.

For example we have a template for retainer agreements, bail assignments, and captions for different state and federal courts.   These speed up the process of creating documents an ensure a uniform appearance.

Creating a template is very simple. For example, take a simple "Assignment of Bail" form, which we have prepared to show in brackets "[   ]" the fields of information needed, like the figure at right:

Assignment of Bail

(Cash deposited with court)

For value received, [*surety*], residing at [*surety address*], does hereby assign to the law firm of HARRINGTON & MAHONEY all right, title and interest in the bail which [*surety he/she*] posted on behalf of [*cl name*] in the amount of [*bail amount*] Dollars ($[*bail $*]) in the [*court name*] in the case of [*reference*] on [*bail release date*], as evidenced by Receipt Number [*bail receipt no.*] and authorize and give the power to the above attorneys to endorse my name on any check returning the above bail in the event that the court or the County agency nevertheless issues a check in my name, and hold the bail as security for the payment of the fees for legal services and expenses in connection with the legal services rendered in this case.

[*date*]

_____

[*surety*]

On [*date*] before me personally came [*surety*], of [*surety address*], known by me to be the individual described in and who executed the foregoing assignment of bail, and [*surety he/she*] acknowledged to me that [*surety he/she*] executed same.

_____

Notary Public

To create a template from this text, open the PerfectExpert [File, New from Project . . .] to get to the Perfect Expert dialog. By default the "Create New" tab is selected (otherwise select it. Then select "Create WP Template".
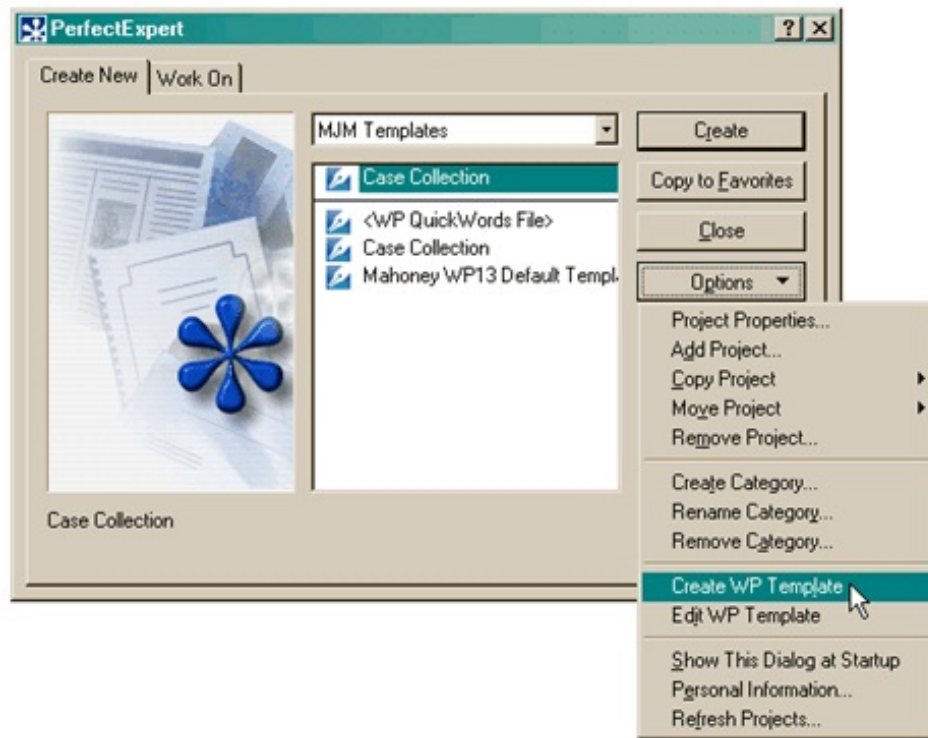
What you will see next will look at first like the creation of a new blank document. But there are important differences:

WP recognizes the document as a template, and displays the template tool bar that allow you to create the "prompts" for your template
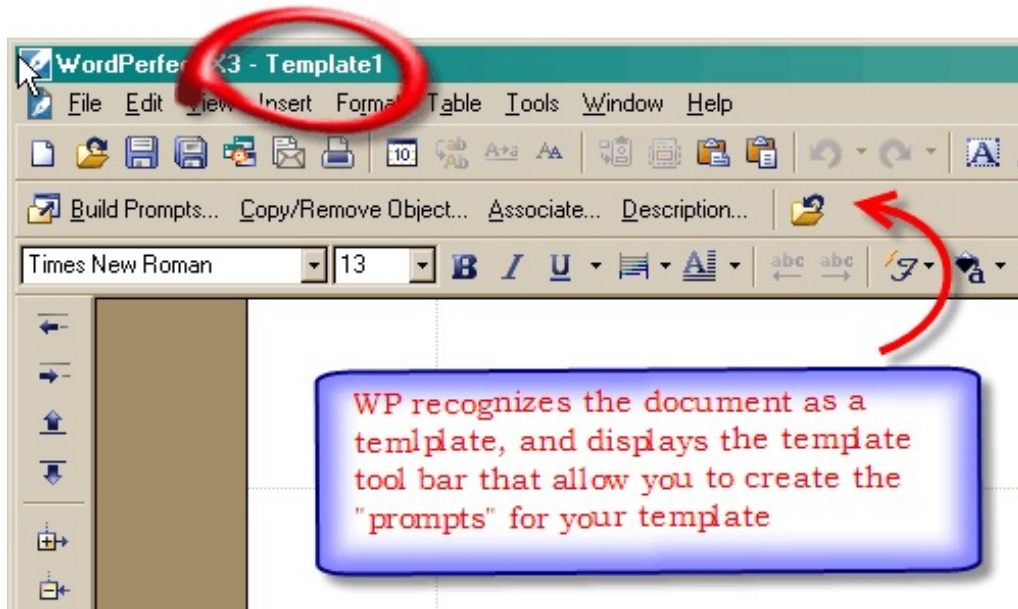
Next, import the prepared text (or type the text desired for your template). You can do this by cutting and pasting the text in from another file or by Inserting the assignment of bail file directly into this new template. Once you do that, select "Build Prompts . . ." from the Template toolbar, and then "Add . . ." to get to the "Add Template Prompt" dialog.
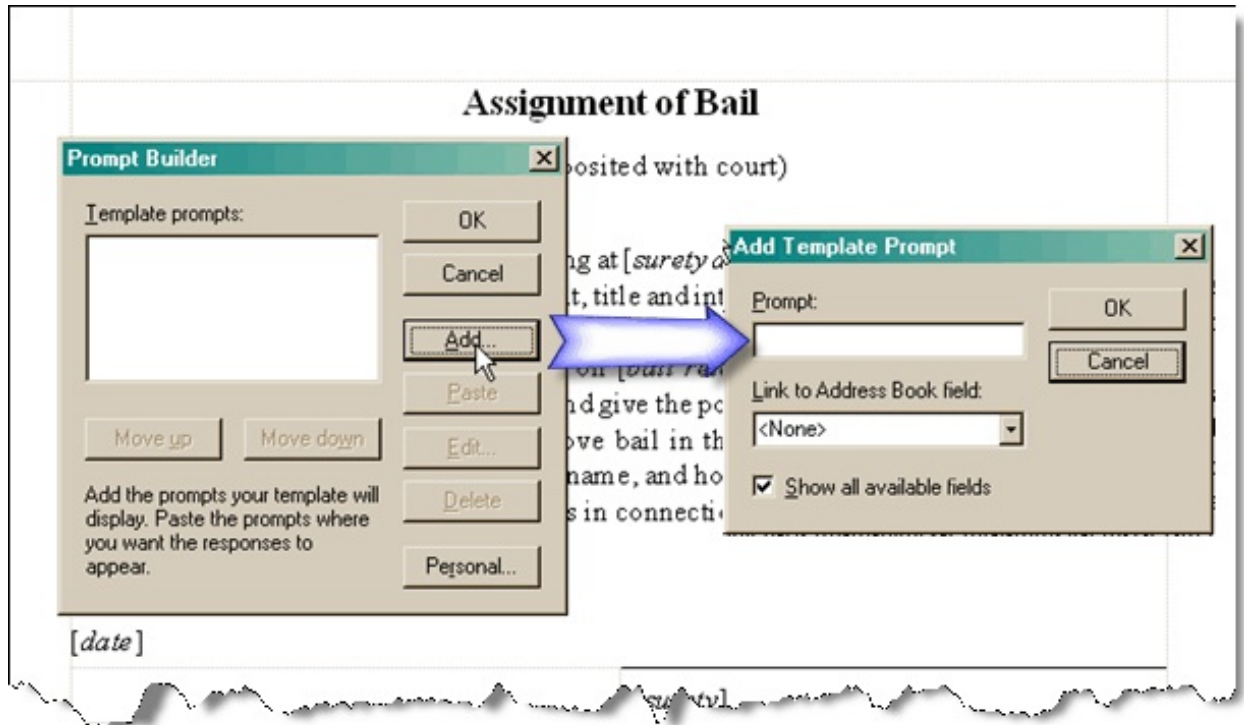
All one does at this point is type in the name of the field. The first filed is for the "surety," so type SURETY in the "Prompt" box and then click "OK." You can move the box around to examine the text of the document in order to see te fields that have to be filled in. You can close the boxes and start up the "build prompts" process at any time. Of course, "surety" has to be added as a "prompt" only once, no matter how many times it appears in the template.

As you build these prompts you can "paste" them in the template wherever that field value appears. WordPerfect will only identify the prompt by bracketing it with "Bookmark" codes visible in the Reveal Codes panel. For that reason, we always type the prompt in ALL CAPS in order to be clear about what fields have been replace with prompts and which have not.

The next figure shows the process of "pasting" a prompt into the text of our form.

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Once you have created a prompt ❶ — and here we use ALLCAPS— you can go back into the text of the document and either delete or block the text that will be replaced by the prompt ❷ and then click on "Paste" ❸to put the prompt in that location of the template.

After "pasting" the prompt, "[SURETY]" will appear where the blocked text is. We could right now go through the document and paste in the [SURETY] prompt wherever it is needed. If we had more prompts added we could past them into the template also. If we select "OK" from this screen at this point, WP will insert the additional codes needed in the template to make it work – appearing as bookmarks around each prompt.
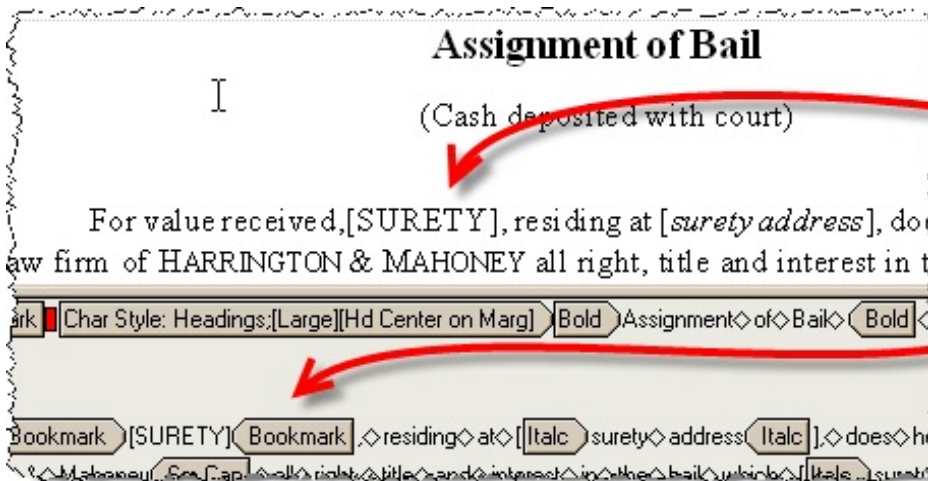
Using ALLCAPS for prompts helps identify which fields have had prompts pasted in.

Once we say "OK" in the Prompt Builder, WP inserts the bookmarks identifying the prompt.

It is generally easier to add all the prompts at once, and only then engage in the process of "pasting" them into the template. For our "Assignment of Bail" form, once we have added all the prompts, the "Prompt Builder" dialog would look like the following figure:

The Prompt Builder dialog with the prompts added. Note that the order of the prompts can be reordered so that in using the template a more logical order can be followed in filling in the prompts each time a template is used
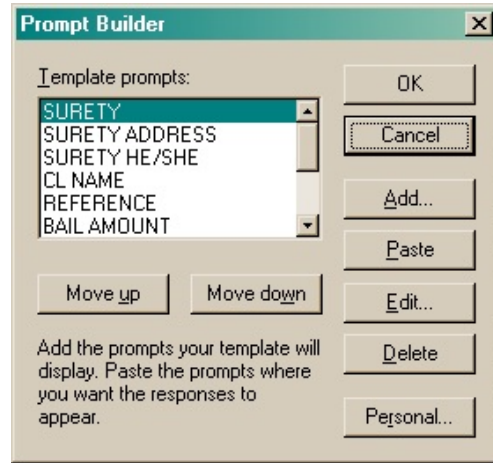
Once the prompts have been pasted into the template it is time to save the template. At this point you can enter a description for the template and then, when you save it, give it a file name and assign it to one of the categories that exists in your two defined template directories (in the Tools, Settings, Files dialog).
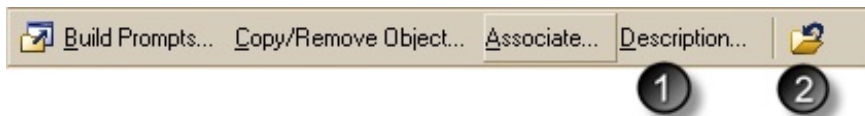
After ❶ entering a description of the template ❷save it with the file name, and in the category you choose.

Now your template is ready to be used. To do this, again go to the Perfect Expert dialog (File, New from Project) and select the category to which you assigned the template, highlight the template name, and then select "Create." You will receive a dialog like the following to quickly enter the information needed to complete your template:
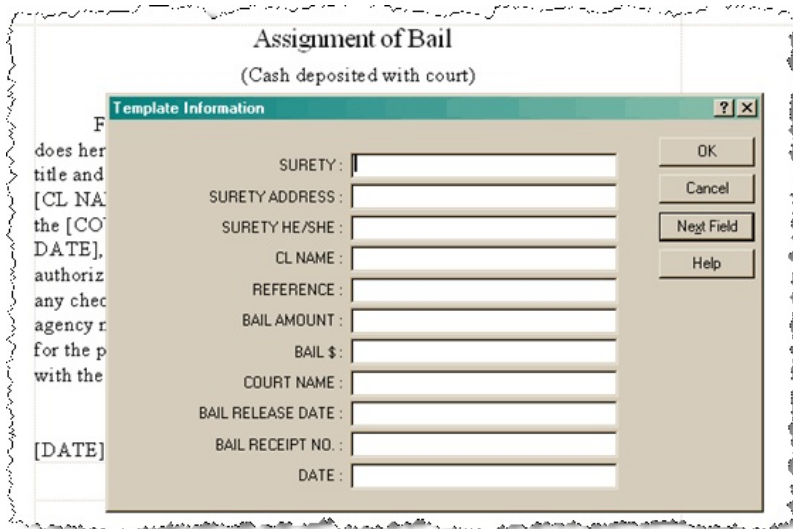
You can use templates to quickly create all sorts of documents which have consistent form and content, but variable information depending on the particular case and client. We use templates to create pleading captions, letters, retainer agreements, covers for briefs and memoranda, affidavits of service, certain statutory notices, and even as a vehicle to start the drafting of certain motions.

Though it takes a little time and care to create a template, the savings of time in the future, and the increased confidence in the accuracy of the output (in comparison to purely manual methods), well justify the time taken.

There are sample templates included on the handout disc. Although you can open any WP template and it will work, it will not appear in your Perfect Expert dialog unless ❶ it is put into one of your template directories, and ❷ you choose to "Refresh Projects" in the Perfect Expert dialog (under "Options").

2. *Merges*

Templates are best where there is a relatively small amount of variable data. It is best where there are only a few "fields" of data, and where the data is not complicated. One reason for this is that, being so easy to do once, it is not a great deal of trouble to redo the document if data changes.

Where the data becomes more voluminous — lots of "fields" of data and data of more length—and where the task of redoing the document is considerable, a "merge" setup is ideal. When a merge data file is created for a client and a matter, that data is usually stored with that client's file and can be reused to fill out other forms as well. Merges can be used to fill out preprinted forms, or electronic forms, and convert database information into tables.

A merge process includes a form file and a data file with the information that gets "merged" into the form. Sometimes it is referred to as "mail merge" because this is what is typically used to insert many addresses into form letters and their envelopes.

We do not use merges a lot, but the uses we have are critical. One example is a "Sentencing Letter" we prepare in anticipation of sentencing which is used to inform the client about the process and also provide them with a sheet of information they can give to family or friends to provide guidance in writing letters to the court. Since the same information is used in different places, and because there needs to be narrative (like, what kind of sentence is available, and what kind of sentence should we advocate for), a template is not suited to the task. **That merge file is included on the handout disc.**

3. Macros

People get scared when I mention macros. It is thought of as something between Fortran and Visual Basic. Actually, very simple macros – which involve very little "scripting" — can be very easy to do and very effective at making efficient work of tedious tasks.

For example, I have a macro that, when invoked, puts our electronic "Letterhead" above the text, and another that puts in the signature blocks on letters, or briefs. Another has the text I usually use at the beginning of an affidavit and at the end. Other simple macros just spew out prepared text. Macros, at the most basic point are just stored keystrokes.

There are other macros we use a lot that we have gotten off of helpful Web sites. One amazing macro is embedded as a template macro in the "Case Collection" file on the handout disc. It comes from www.wptoolbox.com This is Barry MacDonnell's web site. The macro, "DynaHead.wcm" produce "dynamic headers" or "floating headers" -- i.e., headers that change page-to-page with the section, topic, or heading on the same page.

Another is delcodes.wcm which provides a list of codes for you to check for to be deleted — nice when trying to "clean up" textual material from different sources. One of my favorites is called change6.wcm which was written by famed WordPerfect guru Gordon McComb, which converts text from one attribute (e.g. underlined) to another (e.g. italics)

Browsing through Corel related web sites can provide marvelous gems in terms of macros as utilities. Once you get familiar with macros you will find many uses for them. Macros can also be stored to a keyboard combination or saved as buttons on a toolbar, or embedded in a template.

4. Master documents

It is often desirable to split up the work on a brief among several persons. Perhaps one can be working on the statement of facts while another marks cases for the Table of Authorities in the argument section. Or different lawyers or clerks might be working separately on different points in the brief. But when there is only one document this is not possible.

Using the "Master Document" feature, a brief can be broken up into "subdocuments" which can then be assembled into a "Master Document." Each time the Master Document is assembled it imports the changes in the subdocuments, and any changes in the Master Document can be placed in the subdocuments when the master is saved.

The "Master Document" feature exists in both Word and WordPerfect, but is a little more straightforward and flexible in WordPerfect, where any document can be inserted as a subdocument, from any directory. Word requires that subdocuments be associated with a heading in an outline. Its only advantage is that, it can automatically create a master from a document set up with headings in an outline, converting the text under each heading at a set level to a subdocument.

5. *Grammatik, Spell-checker*

These tools are very valuable, although one has to remember the limitations, especially in spell checking. Make sure that you constantly edit your spell checking dictionary to remove misspellings which have been added by mistake or for a specific project.

Remember that spell checkers only stop on a word which it cannot find, it cannot tell you whether have used the wrong word to begin with.

6. *Third-party Table of Authorities programs*

We have had a lot of luck with CiteLink as a program, created by West Publishing, to gather citations for a simple table of authorities. CiteLink was distributed as part of the Corel Legal Suite, which no longer is being compiled starting with Corel Suite 2002. However West still makes it available as a free download.[16]

West also makes BriefTools for Word users to find, check and link any citation contained in your firm's internal documents. This is a paid-for feature.

LexisNexis / Shepard's "Brief Suite" provides an array of tools for LexisNexis users to verify citations and quotes from cases and the status of cited cases and the generation of a Table of Authorities.[17] The latter task is performed by "FullAuthority."

7. *Use of Table feature in formatting captions, closings, counsel lists*

One can altogether avoid the use of Tabs or spacing, or underlined spacing, to format captions and closings in briefs by using tables instead. Tables are very quick to set up, and

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[16] http://west.thomson.com/software/default.asp

[17] http://www.lexisnexis.com/shepards-citations/briefsuite/

are not affected by changes in margins, line spacing, font, etc. Plus, once text has been inserted into a table, it is easy to resize the table columns to make the text appear properly apportioned.

United States District Court
Southern District of New York

United States of America,
                    Plaintiff

            vs

John J. Rigas, Timothy J. Rigas, Michael J. Rigas, and Michael C. Mulcahey,
                    Defendants.

Michael Mulcahey's Renewed Motion for Dismissal, or Particularization

Indictment № 02-Crim-1236 (LBS)

The defendant Michael C. Mulcahey, upon the annexed affidavit of Mark J. Mahoney, and upon the Memorandum of Law filed herewith, and pursuant the Fifth and Sixth Amendments to the United States Constitution and FRCrP 7(c) hereby re-moves this Court for Dismissal as to him, and striking, of those allegations in the indictment not

Using tables allows easy resizing of text blocks in captions and adjusting of lines

Using tables in this manner is essential to creating simple forms for pleadings that will be amenable to variations in the amount of text that may be inserted in different parts of the caption, i.e. in some cases the matter on the right side of the caption is more extensive than what is on the left, and vice versa. You may want it to be in a different font or font size. This would not be feasible using tabs or spaces to create the appearance of columnar text.

Even the basic signature line is best done using a table (here with the gridlines made visible:

	Respectfully submitted,
	Mark J. Mahoney
	HARRINGTON & MAHONEY
	1620 Statler Towers
	Buffalo, NY 14202-3093
	(716) 853-3710 (*facsimile)*
	(716) 853-3700 (*voice*)

8. Shortcuts

The Windows operating system, mostly inherited from DOS, has contained within it certain standard "shortcut" keystrokes. Each program had its own built-in shortcut keys. Keyboards definitions in individual programs can be edited to insert text, run a program or a macro.

Windows

My favorite Windows shortcut is most useful and often overlooked. To quickly open a program from anywhere in Windows, use a <Ctrl-Alt-letter> combination set by setting the "Properties" for a desktop icon. Right click on a desktop icon, select properties, and in the "Shortcut key" box simply type a letter, like "W" for WordPerfect. It will return "Ctrl + Alt + W" as the entry.

Shortcuts ‒ Cut Copy Paste

Use <Sh + arrow> combinations to select text upward, downward, or sideways from the insertion point.

Use the <Ctrl-x>, <Ctrl-c>, <Ctrl-v> combinations to **cut**, **copy**, or **paste** selected text.

Shortcuts: Navigation

Use <Alt-Tab> to move between open programs.

Use <Home> and <End> to move to the beginning or end of a line

Use <Ctrl-Home> and <Ctrl-End> to move to the top or bottom of a document or Web window.

<Ctrl‑i> *italics*

<Ctrl-b> **bold**

<Ctrl-u> <u>underline</u>.

WordPerfect

See Help for shortcut keys for menus, navigation, etc. Also set menus to display the shortcut keys for menu choices and get in the habit of using them.[18]

<Ctrl-Shift-L> – "Line break" where Enter [HRt] code is undesirable (like in middle of a heading)

<Alt-F6> Switch between open documents.

Edit your keyboard to add special characters for key combinations, like <Ctrl-S> for "§" and <Ctrl-P> for "¶" (Tools, Settings, Customize)

Use QuickWord (Tools, QuickWord) to quickly enter phrases, like \ausa for "Assistant United States Attorney". Or \wdny for "Western District of New York."

H. Troubleshooting in WordPerfect

As a result of the worldwide Microsoft conspiracy, there are problems that occasionally come up in the functioning of WordPerfect. There are a few "tricks" that it are good to know about. These and many more can be discovered by poking about the Corel site on the Web and user groups, like the excellent WordPerfect Universe http://www.wpuniverse.com.
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1. "X copy"

Corruption that occurs in computer files often happens in parts of the file that do not affect what you see. If a document is acting strangely, a possible cure is to copy the text from the top of the document to the bottom, and paste it into a new, blank document, saved with a different file name.

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[18] Tools, Settings, Environment, Interface

2. *WPLook.exe*

Available from the Corel site on the Web and other locations, this is a utility that will remove corruption from WordPerfect files, undo information (though there is little of that in WordPerfect files compared to Word) and unused styles. It is a lifesaving tool which ought to be on every WordPerfect user's desktop.

3. *Outline styles not working*

It often happens that a set of headings do not behave correctly. This can usually be corrected by re-inserting the appropriate outline into your document after going through the menu steps of associating the heading styles with the levels of that outline. It is often necessary, from the "Create Format" dialog (Insert, Outlines/Bullets & Numbering, Edit) to select "Edit Style," and then make and undo a slight change in the style, like adding and then deleting a space. Hit OK until you are back into your text.

For some reason this refreshes the outline and its association with the headings.

If that does not work, try re-retrieving the Outline style into the document.

4. *Timed Backups*

It is important in WordPerfect and Word to set a short "timed backup" time and to insure that your backups are saved in a directory that is both readily accessible to you and which is *NOT* in the "Documents and Settings" path.

In case your computer crashes or Word or WordPerfect halts unexpectedly, a short backup time, like 2 minutes, will result in the loss of less work when you reopen the program and open the backup file.

However, where you make a mistake, and say, close a file without saving changes, or accidentally delete a file that does not end up recoverable in your Recycle Bin, it is possible to use an "Undelete" or "Unerase" utility (*e.g.* Norton Utilities' "Unease Wizard" to recover a deleted backup file. (When you actually close a file, with or without saving it, the times backup is deleted by the program) For this you need to have, or install, the unerase utility, and the deleted file has to be in a directory that is accessible. Deleted files in the "Documents and Settings" path may not be able to be recovered.

5. *Backups*

As long as we are talking about backups, be sure to have some reliable backup system in place. The time it takes to try to recover from a dead hard drive often costs much more than the new computer you purchase or what you spent on the last one. A simple portable external hard drive can be had cheaply and be used to make regular full and incremental backups of your system.

More important, by using a program like Norton Ghost to create a mirror image of your drive, you can be worlds ahead in getting a new computer set up almost exactly like your current one.

Like some other essential security features, having a professional get you set up for backing up your work is more than worth the expense.

A s noted earlier, Microsoft's Word wants to have every paragraph assigned a style. But, for several reasons Word tends toward a proliferation of styles. (To check the number of styles in a particular Word document, look at "Format, Styles and Formatting." Although this has one or two advantages over WordPerfect, it can make it very difficult to efficiently and properly format documents to begin with, and very laborious to globally reformat a document.

A. The proliferation of styles in Word
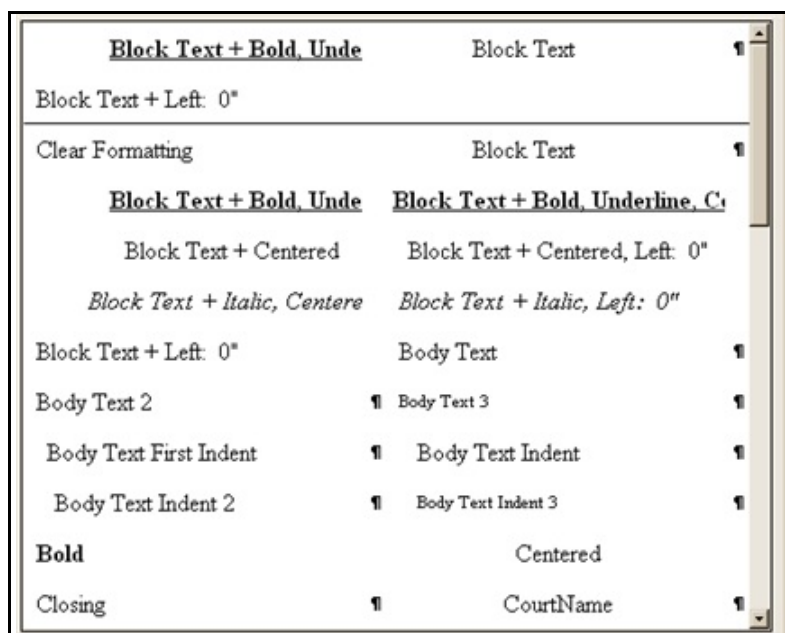
A typical display of the proliferated styles in a brief revealed in the Word "Styles and Formatting" panel. This is about ¼ of the styles in use in the document. How would one select a style from such a long list?

How does this happen? First, most users of Word get the text in paragraphs to look the way they want by changing the text, and not by selecting a preexisting style, or modifying the style definition of that paragraph. If you make a change to the look of a paragraph, by default Word creates a new style for that paragraph. This is true even though it might be exactly the same in looks and definition as another style.

Second, this process compounds itself because the more styles there are, the harder it is to locate and select the "right" style you may have defined in the template you are using from all the styles that appear in the document, assuming you were trying to do so. Even then, a paragraph with "Double Space" in the name is not always double spaced.

Third, each style has as part of its definition a designation of the style for the following paragraph, which very often is different from the previous paragraph, creating the need again to change the format of a paragraph to make it look the way you want. Although all the paragraphs defined in a certain style can be reformatted by modifying the style itself, this fact is not always helpful because similar looking paragraphs are so often in different "styles" as a result of this proliferation phenomenon

Fourth, when it comes to headings, there is a big difference between heading styles and text style, in that the true heading styles will pull text into a Table of Contents, and result in the headings appearing in the Document Map, and will be part of an "Outline."[19] To do this they must have an outline level in them, similar to associating headings with an outline level in WordPerfect. But, again, most users do not select headings from existing heading styles, resorting to manual steps to create a certain *look* – often resulting in a variety of styles defining "headings" that may look the same but without real heading functionality. One could end up creating ten different styles by creating identical looking "headings" by modifying "Normal" text.[20]

So what? Whether you are the typist or the office manager or managing partner, you have to be concerned about this phenomenon because it reflects, and encourages, the manual formatting of documents at the outset. It later makes it very difficult to *reformat* whole documents as the need arises. (Like in WordPerfect, in Word you can modify the definition of a style to change the appearance of all text that is in that style) And "headings" which are not true headings will not provide the functionality of headings — principally the ability to efficiently generate a Table of Contents and a useful "Document Map."[35]

In Word, styles, if mismanaged, quickly become the problem, instead of a solution, in document formatting.

B. Solving the problem

The point is to reduce the number of styles you are dealing with, prevent Word from proliferating more styles, and make it as easy as it is in WordPerfect to consistently select the right style for a heading or text.

To do this, there are several steps to follow:

❏ Define a core set of headings and text styles, each of which "automatically updates"

❏ Define a memorable "shortcut" key for each heading style

❏ Teach users to modify the styles for minor variations in the appearance of the text.

❏ *Redefine* the core styles, *in separate templates*, for different types of documents

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[19] Unlike in WordPerfect, however, you cannot control, in the "styles" definitions, at least, the text attributes that will appear in your generated Table of Contents.

1. Default Word styles

Out of the box the Word styles are not complicated, but neither are they particularly helpful for lawyers. The heading styles are hard to distinguish, and do not have any numbering:
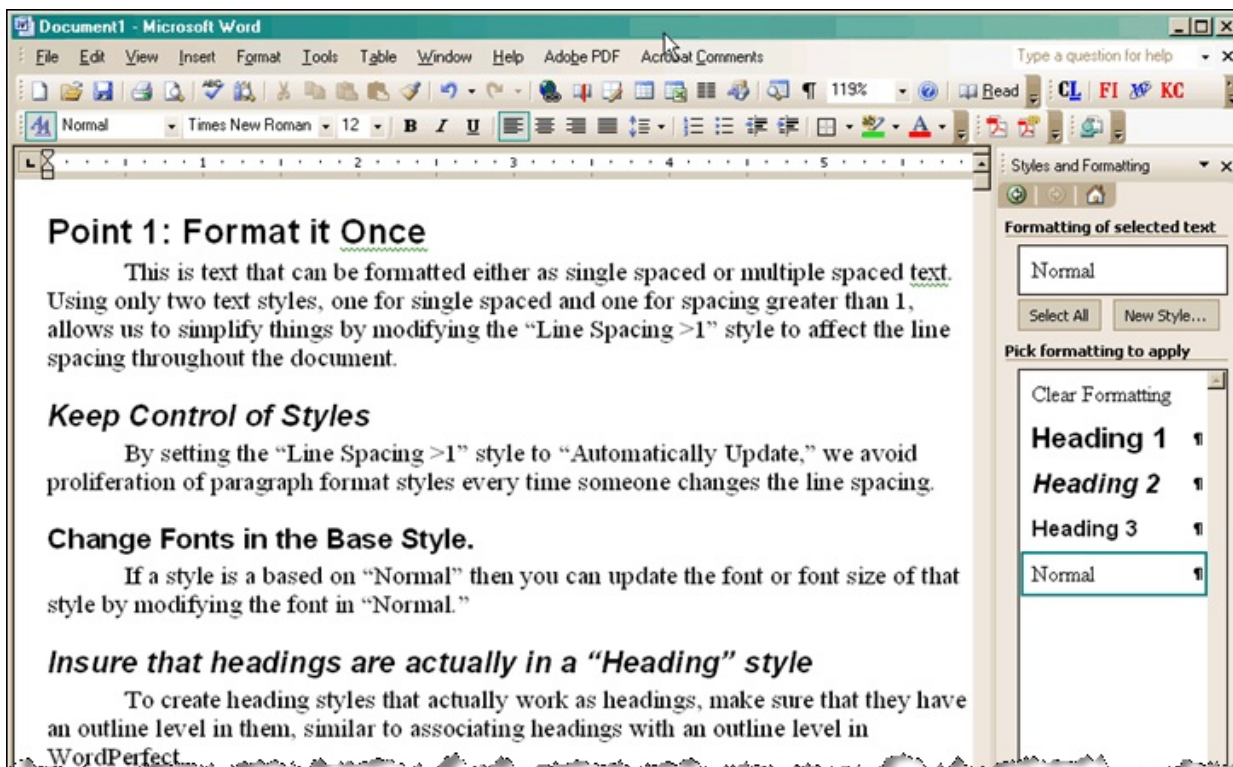
The native Word headings are unremarkable and hard to distinguish. With only one text style – "Normal" — additional text styles are clearly needed for text that is not single spaced, for numbered paragraphs, and indented block quotes.

So, the trick at this point is to modify the heading styles to make them useful, and to add the additional styles needed — just like we did in WordPerfect — for the other text formats that typify legal writing.

2. Modifying Heading Styles in Word

Although the same procedures are followed, it is easier to consider modifying heading styles separately from text styles, to fix the idea that we need headings to actually function as headings, and not just *look* like headings.

To create heading styles that actually work as headings, of course you can use the default headings that are part of the "Normal.dot ": "Heading 1, Heading 2, etc. These

Headings can be conveniently modified to the look you likeIf you examine those headings

What we want to do is add outline numbering to the default headings. Although the headings are already assigned to an outline level, and have the functionality of outlines, they do not have the numbering (or lettering) typical of legal argument, or the typical page positioning.

Taking the easiest approach, let's start with one of the built-in Word outline styles. To do this use select "Format, Styles and " menu and the "Styles and Formatting" panel.
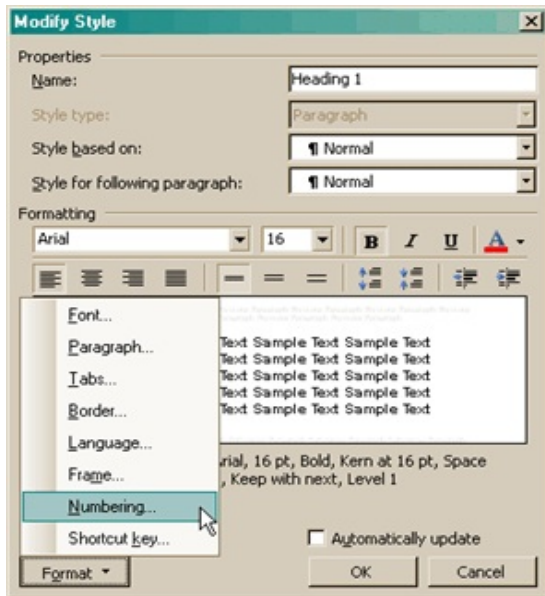
Move your cursor to the "Heading 1" style, and hold it over the name of the style until the "drop down arrow "▼" appears to the right. Click on the arrow and select "Modify" from the drop-down list. From there select the "Format" button and choose "Numbering."

We want to modify the classic "I. A. 1." outline scheme so that the top level has no number. And then we will change the appearance of all the Heading levels to suit.

In the "Bullets and Numbering" dialog the user is presented with choices among several outline schemes. What you see here will depend on whether you have already created other outlines and, unlike WordPerfect, it does not allow you to either save outline schemes or accumulate more than seven of them. What you see here may also be affected by the level of outline that is embedded in the heading style you choose to modify.[20]

The "Modify Style" dialog is the place to make changes in the appearance of a style, whether changes in the text change the style, what style the next paragraph will be in, and whether the style should be saved in the template.

Highlight the "I. A. 1." outline scheme and click on "**Customize.**" Note how the dialog allows you to select a number style (or "(none)") for each

_____
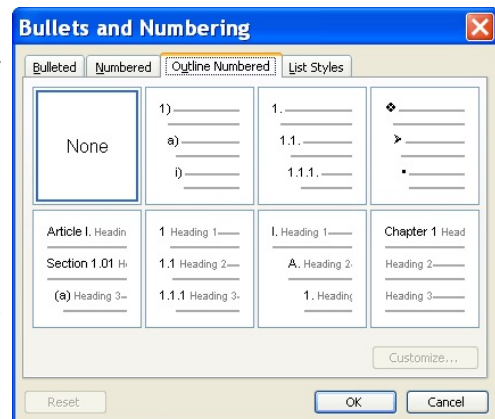
[20] Somewhat curiously, if you are modifying a lower level heading in an outline scheme you have changed substantially, the dialog will not display the higher levels of the outline in this dialog.

outline level. The dialog allows you to set the font for the outline number (if it is to be a different font than the heading itself) and, more importantly, the distance between the outline number (if one s used) and the text of the heading itself, as well as the indent of the text of the heading if it wraps to a second line.
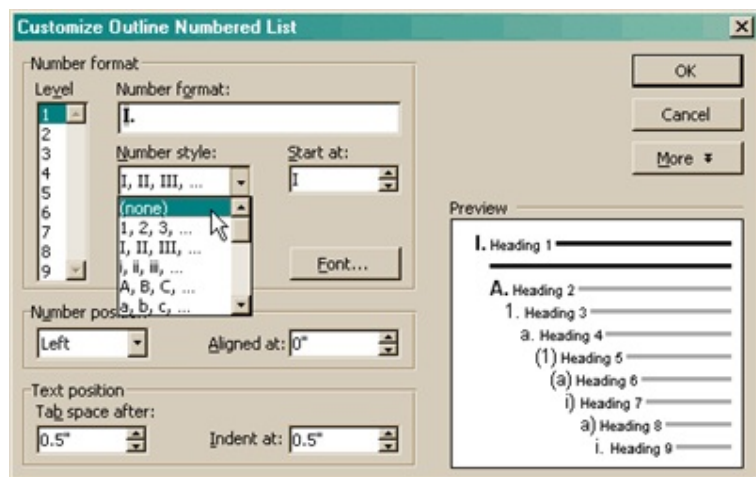
At this screen you also would set the attributes (**bold** or *italic*) and font or font size for the outline number for the second and third level letter and number. Remember that the default text size for "Normal" text is 12pt, which many feel is too small for legal writing, and 14pt is required by many appeals courts. But changing the fonts and font sizes, etc. of the text does not, in Word, affect the appearance of the headings. Likewise the settings for the outline numbers operate independently from the settings for for the heading text itself. No doubt this throws off many users of Word.[21]

However, this is where the "format it once" approach helps, because, as we see shortly below, you can create a different template for each format you might use. Those templates

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[21] Here is another real drawback to the Word scheme. If you change the font type or size of the normal text and need to adjust the size or appearance of the fonts in the headings, you will have to change it both for the headings themselves and the outline number (or letter). In WordPerfect, with relative font sizing in the headings (Large, Extra Large) a change of the font type and size in the open style "DocumentStyle" will result in a correlative change in all the headings. No doubt this is why so few Word users try to use outline numbering in headings.

However, this is where the "format it once" approach helps, because, as we see below, you can create a different template for each format you might use. Those templates an be used to change the appearance of the document as a whole very rapidly.

an be used to change the appearance of the document as a whole very rapidly.

Thus, after adjusting the outline scheme, and appearance of the outline letter or number, it is time to edit the individual heading styles. Basically I want to conform to them to the same types of formatting described previously for our WordPerfect styles, above at p. 35. But this is my preference only.

To edit the appearance of the headings, we begin back at the "Styles and Formatting" panel and, beginning with Heading 1, "modify" the style to select all the formatting features you would like for this heading. Here the thing to remember is that, since you only "format it once" (for each template you design) there is time to think through and experiment with all the options provided in the "Modify Style" dialog.

For headings the choices reflected in the Word template on the distribution disc, NACDL1.dot, include:

	Font	Para. Format	Shortcut
Heading 1	Bold, 2pt greater than text	Centered, Spacing before 12 pt, spacing after 6 pt, single space.	Ctrl + 1
Heading 2	Bold, 1 pt greater than text	Align left, indent right = .5, hanging indent = .5, Spacing before 6 pt, spacing after 6 pt, single space	Ctrl + 2
Heading 3	Italic, 1 pt greater than text	Align left, indent left and right = .5, hanging indent = .5, Spacing before 6 pt, spacing after 6 pt, single space	Ctrl + 3
Heading 4	Bold, same size as text	Center, indent right and left 1,"Spacing before 6 pt, spacing after 6 pt, single space	Ctrl + 4
Heading 5	Italic, same size as text	Center, indent right and left 1,"Spacing before 6 pt, spacing after 6 pt, single space	Ctrl + 5

Remember that for any headings with an outline number (or letter) the fonts must separately be set the same for the outline and the paragraph. Also, make sure, in the "Line and Page breaks" tab to the "Paragraph" dialog, that "Widow/Orphan control" and "Keep lines together" are checked.

These settings can obviously be adjusted to suit your preferences. Spacing before and after each heading is somewhat dependent on what you choose for the text itself. The less line spacing you have, spacing between the headings and text (and each paragraph) becomes more important. On the other hand, with true double spacing and courier type, no additional spacing will normally be needed. By experimenting with different settings, you will not only find what suits the situation, you will also become more familiar with the various choices for modifying the styles.

3. *The splitting head(ing) ache*

Frequently users have a problem with the "split heading": typically where the heading is to an argument beginning with "Point I" with the text of the heading on the next line. This actually creates *two* separate headings because the [HRt] code created by hitting "Enter" to create the second line of text signals a new paragraph, and hence a hew headng. This results in two problems. First, because there is extra spacing between these paragraphs, the "Point" label and the text end up too separate from each other (unless, to avoid this problem, extra spacing has been dispensed with). Second, the Table of Contents will have two entries with the same page number.

To avoid this, to force a second line in a heading, instead of using <Enter> use the <Shift + Enter> combination which creates a line break, but not a new paragraph.[22] Then the entire heading will remain as a single paragraph, in one heading.

4. *The underlined heading*

It seems fairly common for attorneys to attempt to distinguish some headings from the text with the use of underlining, and only under the last line of the heading. While using an alternate font, and additional paragraph spacing obviates the need for such underlining, it seems to have embedded itself in the style of some firms.

The difficulty with this is evident in the fact that virtually none of the work I have seen using this method of separation have figured out how to do it as part of a heading style, creating another disincentive to using styles at all. It also creates a new style - the "heading" style with underlining added.

My advice is to dispense with underlining entirely (for case names, headings, and most

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[22] You can also use the menu choice Insert, Break. This "shortcut" and its use was discussed above in n. 3 and the accompanying text.

emphasis. It is a holdover technique from the typewriter and rarely used in standard typography.

However a similar effect can be achieved by using a "border" in your heading, defining a line at the bottom of the paragraph. This is also done in the "Modify Style" dialog, under "Format," and "Border." The distance between the border and the text above it can be controlled in the same dialog box.   The result will look like this:
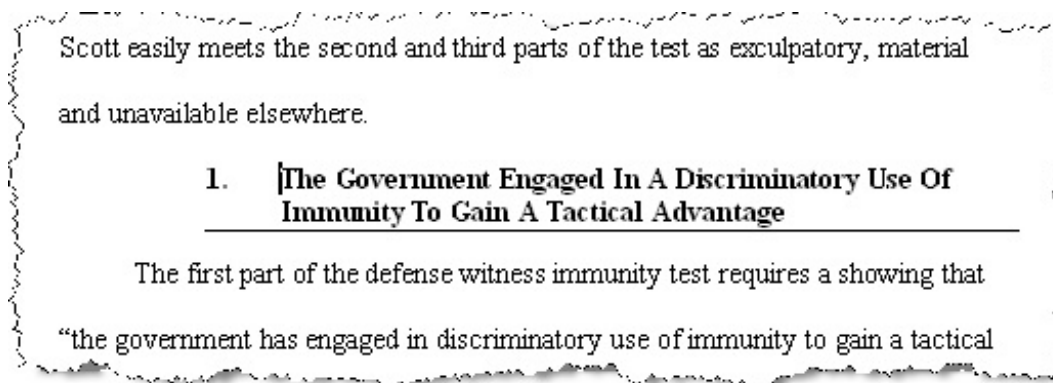
This would be more appealing graphically if there were no number, or if there were no indent on the second line, in my view, which could easily be arranged, of course.

5. *Modifying the text style*

There is always a need for at least three text styles in legal writing: (1) single spaced text, (2) text that is greater than single space — often dictated by court rule—and (3) indented quoted material.

For our WordPerfect styles we created a style called "1 Space," which we choose to use the default Word text style called "Normal." Because of the quirks of Word in the way it limits the ability to rename its default styles, it was no use to try to rename it. Instead I added another style, based on Normal, which is named "Normal - Line spacing >1." This should become the default paragraph format, the style designated for every heading as the style to follow.

Using only two text styles, one for single space and one for spacing greater than 1, allows us to simply modify the "Line Spacing >1" style to effect the line spacing throughout the document. Setting that style to "Automatically Update," we avoid proliferation of

paragraph format styles every time someone changes the line spacing or Font.

The following figure illustrates what the Styles and Formatting panel, and our document, will look like with such a set of styles. The set of styles is saved as a Word template, called **NACDL1.dot** and is on the handout disc for your examination and use. How to save a set of styles to a Word template, and what to do with it then, is discussed more below, at p.
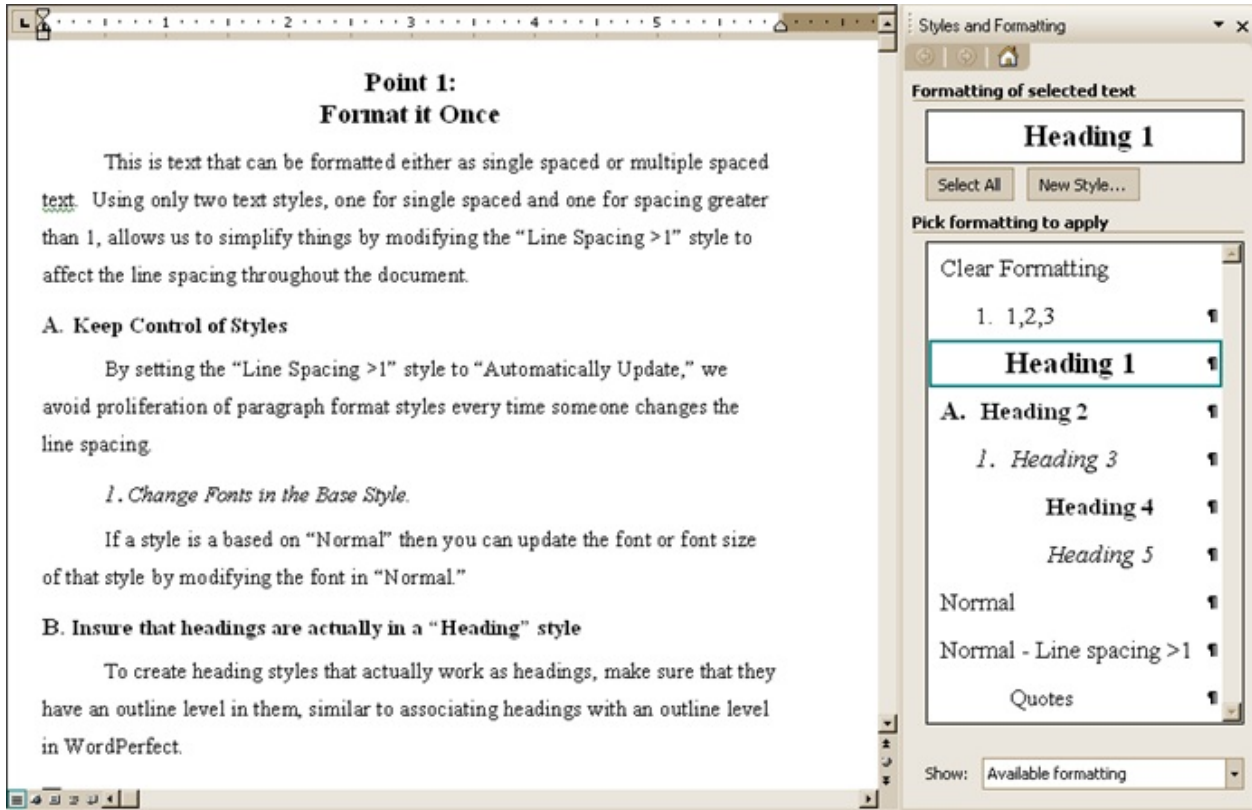
Example of simplified Word styles, and headings which include outline numbering. Settings avoid proliferation of styles, making selection of styles easier and more consistent. Note: although the top heading is in two lines, it is only a singe heading and will constitute only one entry in the ToC. See n. 3 above.

One of the things that can mess up such a system is the use of "first line indent" which seems prevalent among Word users. If you have First Line Indent in place in your "Normal" style, then you have to work around it when you have a paragraph that is not indented on the first line — most typically after a block quote. It is better, I believe, to leave indenting the first line up to the typist and not the software. I believe that overall it saves time and avoids having to create a separate style for paragraphs without it.

6. *Shortcut keys for headings*

One of the two great features of Word's styles (not present in WordPerfect) is the ability to create a keyboard shortcut for any style. In fact there is system setting of <Ctrl-Alt-1> for this shortcut. However you can set your own key combination for this. This is accessed easily through the "Modify Style" dialog (Format, Shortcut Key). A most obvious approach would be to assign the <Ctrl + n> combination (where n = the heading level) to headings. This approach would insure that it is easy for any user to add a heading.

Perhaps it is possible to devise memorable shortcut keys for paragraph styles, like <Ctrl -Q> for quoted text.

7. *Change the style and not just the text*

As with WordPerfect, modifying a style in Word will change all the text controlled by that style. This concept is a bit more expansive in Word however, because in Word styles are based on other styles. For example, most paragraph styles are going to be based on "Normal." "Normal" is, originally, pretty basic: New Times Roman 12pt, single spaced text. If a style is based on "Normal" then you can update the fonts of that style by modifying the font in "Normal." However if the style has added attributes not existing in "Normal" then changing "Normal" will not affect those attributes.

Editing "Normal" is not often enough, and usually the first step is to edit the style that you are actually using, using the "Modify Style" dialog box. Do this using the "Styles and Formatting" panel, moving your cursor over the name of the style until the "drop down arrow "▼" appears to the right. Click on the arrow and select "Modify" from the drop-down list.

You can change the style and the text at the same time, if you have that style set to "Automatically update" in the "Modify Style" dialog box. In either event, the changes to the style in this document will stay in this document unless you have checked "Add to template" in the "Modify Style" dialog box.

8. *Redefine the core styles, in separate templates for different types of documents*

A temptation will exist in Word, just as in WordPerfect to create a number of sets of headings and text styles for use in a number of different documents. One could envision different formatting and heading numbering for agreements, for memoranda, for publications, or correspondence. However, this compromises the goal of a simple set of styles to choose from, and creates a challenge to have consistency in an office — who will

know what each style is for?

A better solution is to mimic what has already been described above, p. <u>37</u>, for WordPerfect. From your original template, redefine the styles to create the new look you desire — all the fonts, sizes, attributes, the heading styles and the outline numbering to go with that style. Delete unused styles. When you have completed this, your document should look the way you want, using the styles of the same name as in your default template, but simply with different definitions of those styles.

Now save this file as a new template. This was described previously at p. <u>9</u>. ❶Save the file as a new "template" using "File, Save As, Save as" type: "Document Template (*.dot)," with an appropriate name. ❷ Then choose to save each style you are keeping as part of that template by checking off the "Add to template" box in the "Modify Style" dialog box for each style. ❸ Then delete all the text in the document (except for any text you want to remain there) and ❹ save it again with the same name, then ❺close it.

Your new template will appear in the "Templates" section of the New Document panel which appears when you open a "New" file. It is ready for content to be added, and the styles you have elected to keep in the template are ready to be selected in the process. Such a template can be used over and over as the basis for starting a document.

This document is then regarded in Word as an "add-in," or "global" template.[23]

Note that you can change the definitions of the styles in your template. The easiest way to do that is to modify the styles as you like and then, in the Modify Style dialog, check the "Add to template" box:

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[23] I am really not too sure on the difference between the two in Word *lingo*.

Modify Style

Properties
Name: Heading 1
Style type: Paragraph
Style based on: ¶ Normal
Style for following paragraph: ¶ Normal - Line spacing >1

Formatting
Times New Roman | 16 | **B** *I* <u>U</u> **A** ▾

Point 1:
Format it Once

Normal + Font: 16 pt, Bold, Kern at 16 pt, Centered, Space Before: 12 pt, After: 6 pt, Keep with next, Keep lines together, Level 1, Tabs: 0", tab, Outline numbered + Level: 1 + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0" +...

☑ Add to template ☑ Automatically update

Format ▾   OK   Cancel

Changes to the styles in a template can be effected by (1) modifying the style as you choose in a document and then (2) checking the "Add to template" box. When you save the document the active template (check "File, Properties" dialog) will be updated. The next time you open the "Modify Style" dialog the checkmark will have disappeared.

9. Importing the styles from another template to change the look of a document

Now that you have two templates defining the same named styles differently, let's see how to toggle between them. Here is some text in the basic "Normal.dot" template, with the default Word headings use:
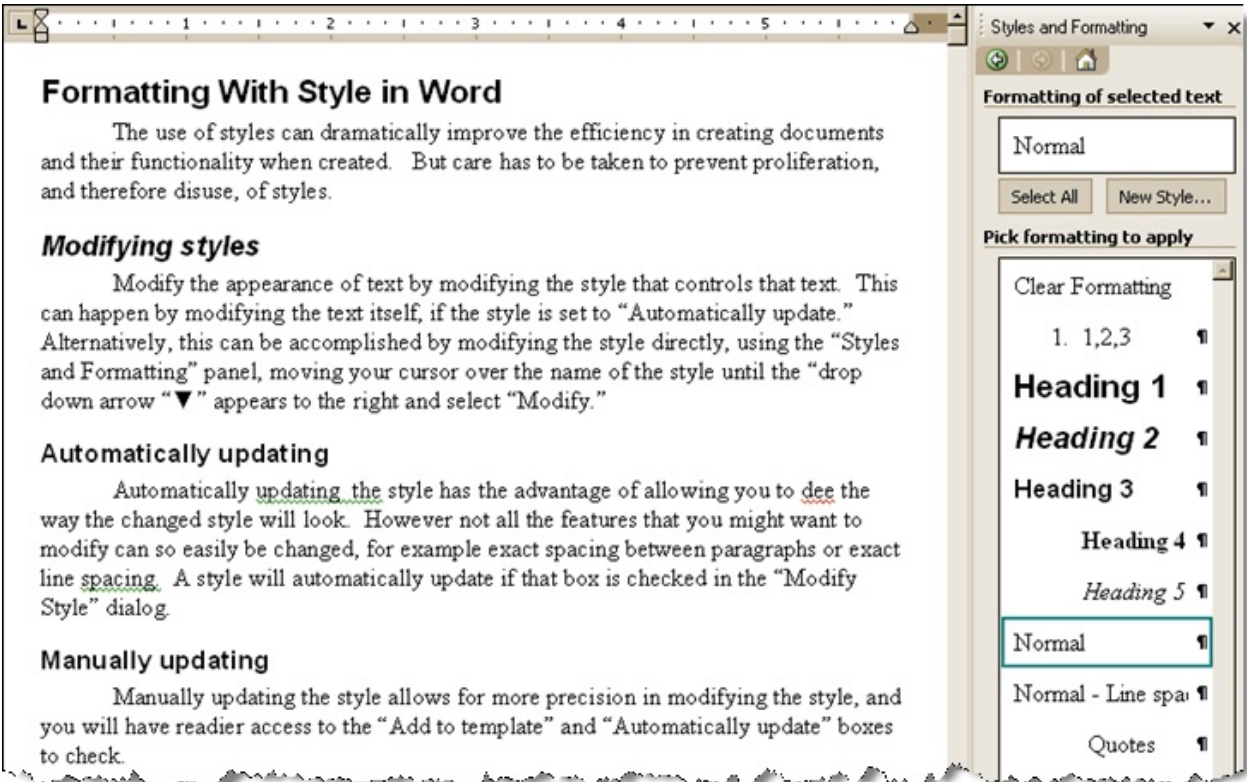
Word's "Normal.dot" text with 3 levels of headings looks like this. But the look can be changed completely without changing a single code, by "attaching" a template defining the same styles differently

The procedure in Word to acquire the text formatting of another template, involves "attaching" an existing template to the default template. In earlier versions of Word, Use Tools, Templates & Add-ins. From that dialog "Attach" the desired template to "Normal" (or whatever other template you have based the document on, with the "Automatically update document styles" box checked. In more recent versions of Word, one goes to the File, Options, Add-Ins. There you can restrict the view of files to "Templates" and just select the ".dot" file and "attach" it to the current document.

Browse to the template you want to "attach," making sure that the "Automatically update document styles" box is checked, then "OK"
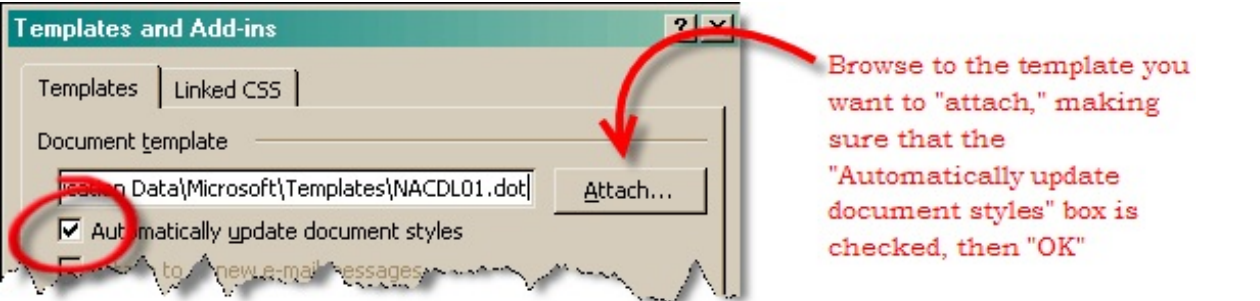
If both the current template and the template that is "attached" to it by this process define styles that use the *same name*, the attached document template's settings override the Normal template settings for those named files. Below is the result of "attaching" the NACDL01.dot template to the document in the previous figure:
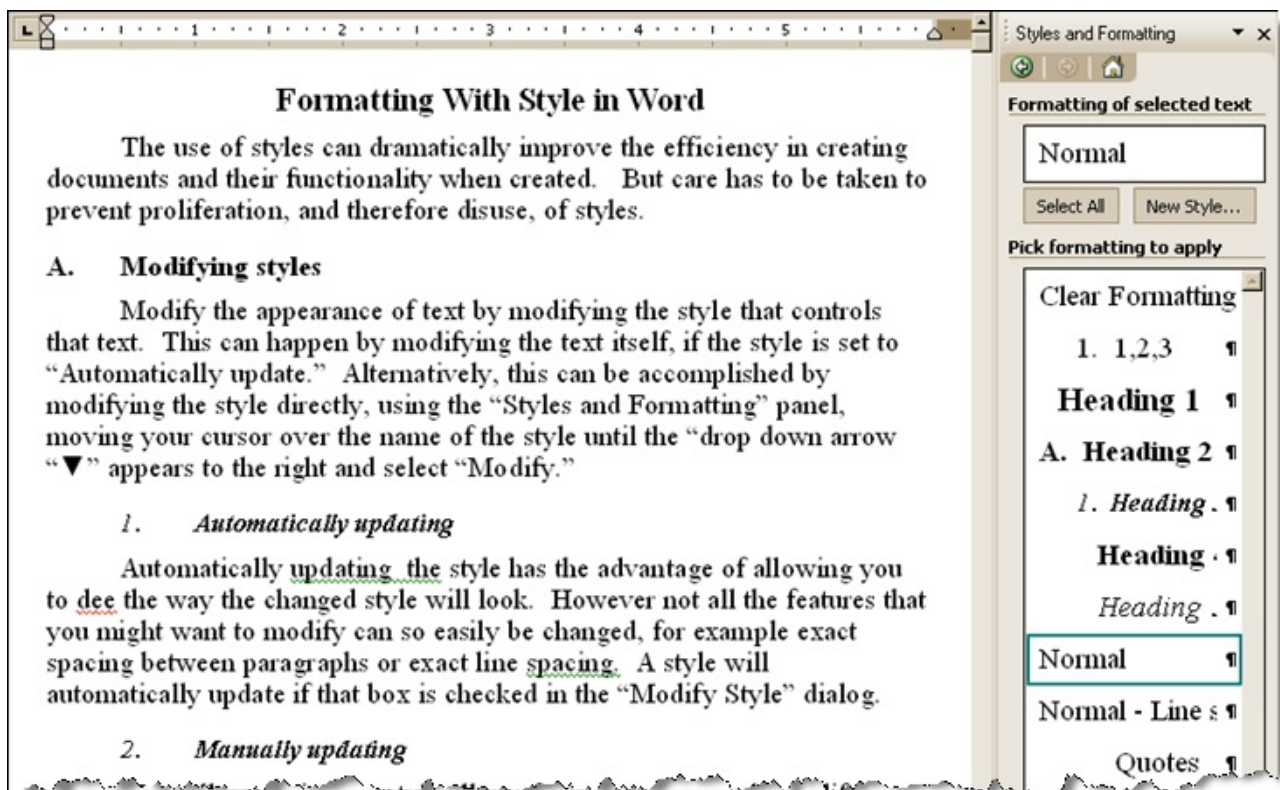
Figure 78 - The text — here mainly the headings — is completely reformatted in Word without doing anything except attaching a ".dot" file defining the named styles differently.

I have no idea whether this could be done using a macro, in Word, which could speed the process up even more. While this transformation of text may seem miraculous to the average Word user, it is quite simple to do. However, it utterly depends on the careful implementation of styles in the original document. For example, if the "add-in" template had redefined the "Normal" text that would only have an effect if all the text paragraphs in the Word document were in the "Normal" style.

However, even when confronted with a typical Word document, in which the text or headings may be in several differently named styles, Word at least gives you the tools to get all the paragraphs (or all the headings at the same level) into the same style. That is described in the next section.

10. *Multiple templates, for multiple documents and user preferences, not multiple styles*

However at this point you can see the interplay between the several concepts we have been working with. How do yo keep styles simple in word where there are so many types of documents, and perhaps differing preferences among the lawyers? The answer is clear: take this simple set of styles and create a basic template for each type of document – a motion, a memorandum, the basic letter, etc., to create a starting template for each with the same set of styles redefined. Further, if individual attorneys insist on variations for their own documents, further redefine templates that reflect their preferences.

Using this system, the word processor can prepare a document of a certain type, in the most standard style, confident that they can quickly reformat it to fit, or create, an alternate style or user-preferred look

C. Keep Control of Styles: "normalizing" Word documents

By having a distinct set of styles, and by taking the steps outlined above to eliminate or minimize proliferation of styles, you are well on your way to more efficient and effective use of your time.

However, when confronted with a document prepared in a different environment, or an unskilled user, with multiple paragraph styles or a collection of "headings" that are not in true heading styles or on a conflicting collection of formats, we want a way to "normalize" the styles so that the document (1) conforms to our desired style ste (and therefore appearance and functionality) but also (2) so that we are able to make the incremental, or global changes to the document just by changing the styles, or "attaching" a template with different styles definitions, as demonstrated above.

If you are trying to get text paragraphs in the same style, put your cursor in any typical paragraph. In the "Styles and Formatting" panel, in the box box under "Formatting of selected text" will appear the style for the current paragraph. If that is the desired style, then we are going to want to find paragraphs in a deviant style. If it is *not* the desired style, we are going to change all instances of it to the desired style.

1. *Step #1 – "Select All" instances of a style*

Click on the "Select All" button below this box (see the previous figure) or move the cursor over the name of the style until the "drop down arrow "▼" appears to the right. Click on the arrow and this time select "Select All *n* Instance(s)" from the drop-down list.

Alternatively, choose the "Select All" option to select and examine all the text that is in the current style. This latter choice has the advantage of signaling to you how many paragraphs to expect to find in that style"

Now at least that paragraph should be "selected" — that is, the text should be highlighted.

- ❏ **if this is in the desired style**, once all that text is selected, slide up or down in the document until you find a paragraph that is *not* "selected" (and which you want to convert to the desired style). At this point click on that unhighlighted text and follow the same procedure to select all instances of the style for *that* paragraph. Go to Step #2.

- ❏ **if the selected test is not in the desired style**, go to Step #2
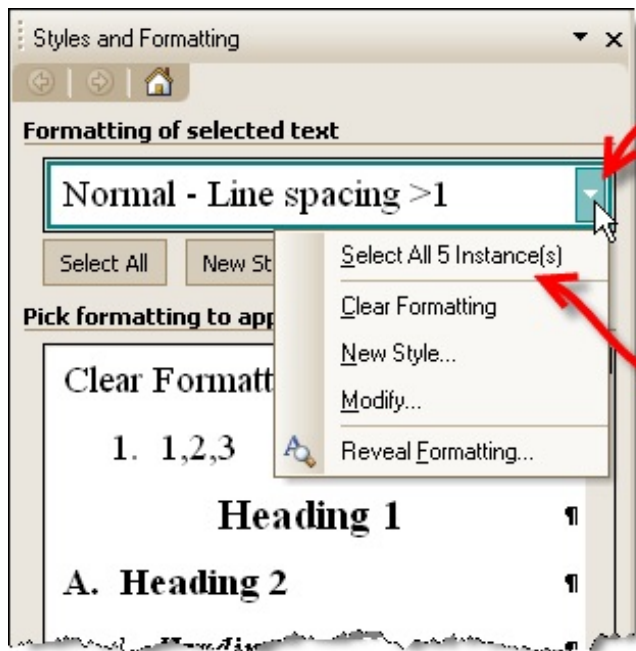
In the "Styles and Formatting" pane, the cursor reveals a drop down list for changing the definition of the current style. One can do the same with the other styles in the list below.

Note: you can "Select All" instances of the same style, which allows you to changing them to another style, to get all paragraphs in the same style.

Styles and Formatting

Formatting of selected text

Normal - Line spacing >1

Select All   New St

Pick formatting to app

Clear Formatt

1. 1,2,3

Select All 5 Instance(s)

Clear Formatting

New Style...

Modify...

Reveal Formatting...

Heading 1 ¶

A. **Heading 2** ¶

2.   *Step #2 – Convert selected text to the desired style*

Once you have "selected" all instances of a style, you can change the style by simply sliding through the list of available styles in the "Styles and Formatting" panel and selecting the desired style (*e.g.* "Normal") from the list.

By repeating steps #1 and #2, eventually all paragraphs can be converted to the same style.

3. Step #3 – Headings

Now do for headings that you have done for the text paragraphs. Often users just make text bold and larger and call it a heading. Using the procedure above, you can change all such "headings" to a true heading style in an appropriate outline level.

4. Step #4 – Delete unneeded styles

This would be the perfect point to delete the styles you do not need. As you do this, you can double check whether there are any instances in which that style is being used, which perhaps need to be converted to another style.

Once you have "normalized" the styles by removing unneeded styles and placed all the text in the correct style, delete the unneeded styles, and change the appearance of all the text in the proper style to make it appear the way you want.

D. Unwanted text in Document Map and in Table of Contents

In Word's incessant effort to out-think the foolish user, it sometimes automatically assigns formatting that the user does not intend. The default "first line indent" is an example of this. However more annoying are those settings which are not controllable. One is that certain text will sometimes appear in the Document Map which has not been either directly coded to the Table of Contents or assigned to a heading style or a style that is assigned to an outline level.

I have seen instances where text appearing in the document map (and also Table of Contents) is in a style which, when revealed in the the Modify Styles dialog shows that the paragraph is only formatted as "Body Text," the "Reveal Formatting" panel[24] shows that the text is assigned to outline Level 1.

My research has not uncovered the source of this phenomenon. It may cure this to reapply the style that exists, using <Ctrl-Q>. Also individual styles can be edited in the "Reveal Formatting" panel to remove the assignment there to Level 1 of the outline.

Alternatively, a way to resolve this globally is to use the "Insert, References, Index and Tables, Table of Contents, Options" dialog and uncheck the "Outline levels" box. In this fashion Word will only look to your headings, and express ToC encoding for its

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[24] The "Reveal Formatting" panel comes up as a choice in the pulldown menu in the "Styled and Formatting" panel.

Document Map and the Table of Contents.

E.   Networking Word Styles

For purposes of allowing all the users in an office to have access to the same templates, and hence to achieve a uniform look in the office, the templates you create can be stored on a shared network drive for all users to access. This will allow the added functionality to be accessed no matter what template you are in, much like changes to the default template in WordPerfect. To have Word see these customized templates or add-ins, you must go to Tools, Options, and select the File Locations tab. Select the "Workgroup Templates" entry and then click on "Modify" on the bottom right hand corner, and then point to your chosen shared file location on your network. When you open File, New, you should then see on the General Tab any customized templates and add-ins you have saved to that network directory.

Document Processing with Acrobat

A crobat and "PDF" are everywhere. But not enough attention is paid by attorneys to the interaction between their word processing and the publication of document to PDF. Even court rules regarding electronic filing are being broken because of ignorance of the PDF format. While there are many features of PDF that are important for lawyers in the area of litigation support and discovery, this section will address the features and functions that attorneys must know in a world where we are increasingly using PDF format for electronic filing, document exchange, document review by workgroups, and archiving of documents.

A.   What is PDF?

"PDF" is an abbreviation for "Portable Document Format," a proprietary format belonging to Adobe Systems, Inc. It is "platform independent," meaning that a PDF document could be created on a UNIX computer, viewed on a Sun workstation, modified on an Apple and printed from a Windows computer, and look the same on each. Because of the free Acrobat Reader program, any user on any computer can view and print, at least, PDF documents. While having a relatively simple set of apparent functions to the average office user, PDF has a wide range of attributes which makes it an industry standard for formatting and publication of extremely complicated source materials.

B.   What is Acrobat?

Acrobat is Adobe's software for viewing, creating, and editing PDF files of all types. It has built-in features of a wide variety to serve the most sophisticated users in the publishing industry, and yet it also has tools built in specifically designed for legal applications, like redaction, Bates® numbering. There are third-party applications which are less expensive that Acrobat, which perform some of the functions of Acrobat, which are not discussed here. While it may be useful to have one of these programs for general use, every office needs to have at least one installation of the full Acrobat program.[25]

It bears noting here that, although WordPerfect is the most advanced word processing software in integrating with PDF, its "Publish to PDF" feature is also a "clone" and will yield less exact results than the "Print to PDF" choice in WordPerfect, which incorporates a true

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[25] Of special interest is "Acrobat and PDF Clones: What You Should Know" an article in Rick Borstein's Blog on Acrobat for Legal Professionals: http://blogs.adobe.com/acrolaw/2007/09/acrobat_and_pdf.html

Acrobat driver. Nevertheless, for most purposes, and to get the enhanced ability to carry forward document map entries into PDF bookmarks and all the hyperlinks, the "Publish to PDF" tool is quite fantastic.

For our purposes we only deal with the most superficial features of Acrobat designed for the business and legal applications. The default settings in Acrobat work just fine for almost everything we do.

PDF is not an "authoring" environment. Although it is actually possible to "type" a an entirely new document in Acrobat, there would be little reason to do so, as this would be wholly without the formatting tools available in the most basic word processor. That is, PDF documents are ideally created in some other application and then converted to PDF format, either by the capabilities withing the authoring program itself, or by being "printed" to PDF format (instead of to a printer), or by being converted by Acrobat itself. Of course most people were introduced to PDF as a format into which a paper document can be "scanned" to be saved electronically, and more. But a PDF created from a paper document will yield something quite different from the PDF generated from an electronic file.

C. Training

There are excellent training tools available from Acrobat and many resources for support, as well as good paid support. There is a list of Acrobat resources at the end of this chapter. But check out the Adobe Creative Suite 3 Video Workshop where there are a number of video training segments on Acrobat.[26]

D. Varieties of PDF documents[27]

All PDF's are not equal. The most basic distinction is whether the PDF file began as a paper document or whether it was created directly from another application. Two PDF files

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[26] http://www.adobe.com/designcenter/video_workshop/about.html

[27] Because one can scan a paper document at different resolutions, and because there is a wide range of options in saving a PDF, a full discussion of the types of PDF documents could get very technical, and confusing. Generally we do not play with the default settings. Although Rick Borstein's excellent blog — from which I got the idea for this chart — makes the use of the language "flavors" of PDF, I find that term itself confusing because of the continued use of "flavors" to describe the basic categories of PDF to which one could scan paper documents using Adobe's "Capture" software, used for scanning physical documents.

of the same "document" may look much the same, but if one is scanned from a paper source and the other created directly from WordPerfect, they will have very different characteristics.

People notice the difference, even if they do not understand it. "Why can't I search this PDF?" "Why is my PDF version 100 Kilobytes and yours is 10 Kilobytes?" "Why can't I select text from this PDF?" or "Why is the selected text inaccurate?" "Why does it take so long to open and print this PDF?"

	PDF Normal	PDF Image	PDF Image+Text	PDF Combined
What?	"Electronic PDF" generated directly from an application or application file, like WordPerfect	A graphic image of a page, or a graphic file, like JPG or TIFF wrapped in PDF	An image including inside a PDF with a hidden layer of text searchable text.	A PDF containing some combination of the three other types of files
How?	Created by "Printing"or "Publishing" to "PDF" from within an application, or from within Acrobat	Created by scanning a page into PDF format or opening a graphic file with Acrobat or saving a graphic file to PDF format	An image file containing identifiable text characters which have been "recognized" as text by OCR software and put in a separate accessible "text layer" in the PDF	Combine different types of PDF files, and even files of other types, in one PDF document by "inserting" PDF pages into a PDF, or using the "Combine Files" or "Create PDF. . . . From Multiple Files" features of Acrobat.
Searchable? *i.e.* "Text Accessible"	Yes, search & copy test with 100% accuracy to original	No. What appears to be text is not searchable or able to be blocked and copied.	Yes, to the limits of the accuracy of the OCR process used	Yes, to the extent that the individual files and pages are searchable.
Notes	Smallest file size, opens, prints fastest. Some difference in appearance from original possible.	Files can smaller than the original TIFF or JPEG, but scanned pages of text can be 10 time the size of the electronic file.	The best "off the shelf" means to make paper documents searchable.	Can insert just a scanned signature page into a "Normal PDF," where needed, to keep file size down. Can bundle certain types of files into a single PDF without first converting them to PDF

From the above, one should understand that it makes a huge difference as to whether a "searchable" PDF got that way as a result of having been directly generated from the word processing program, or whether it is a scanned image that has been processed through an Optical Character Recognition ("OCR") process.

Mere scanned images are about ten times the size of PDF's that were directly generated from a word processing program. The OCR process together with compression features in Acrobat, can reduce the size of a scanned PDF only by about 10%. Of course the file is not only bloated in size, given the imperfections of OCR technology, the searching and copying of text in a OCR'd file will be significantly less accurate.

Despite these significant differences, I have seen even very large law firms create PDF documents by printing out a Word or WordPerfect file and then scanning the printed version. The best explanation for this dysfunctionality is that there may be some pages, such as a signature page, or exhibit pages, only available as scanned images. Of course this is not a valid excuse, because a PDF can contain a mixture of different types of PDF files and pages. See below at p. .

E.   Reducing bloat

The fact that scanned documents can be as much as ten time the size of the same document converted directly to PDF from within WordPerfect has staggering implications for lawyers and law firm and the courts if they are indifferent about which PDF format to use for the creation, storage and electronic filing of documents. There needs to be some control, and it is not coming, so far from the courts or from lawyers or firm administrators. For their own preservation, however, lawyers and court administrators have

> For their own preservation, however, lawyers and court administrators have to insure that the PDF's flooding into their computers are generated, to the greatest extent possible directly from a word processing programs.

to insure that the PDF's flooding into their computers are generated, to the greatest extent possible directly from a word processing programs. This includes insisting that other firms and governmental agencies with whom the deal follow the same dictate. Otherwise they will need to spend substantially more to increase the size of their computer storage.[28]

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[28] Assuming that they have a system for retaining electronic files, that is. Incredibly, in some firms, it seems to be left to secretaries to decide whether even to keep the electronic files at all after the case closes, or afer the work is done. Obviously the last approach to dwindling disc

Of course PDF's that are not text-searchable are also a waste of the value of true electronic files, which can be cataloged and searched, using Acrobat's own indexing system, or with desktop or network search tools like ISYS which let you keep track of and retrieve documents by text criteria. It is also harder to make use of the PDF's in other ways, such as bookmarking, where you do not have searchable text to select for creation of PDF bookmarks.

Part of the problem is that lawyers are indifferent in general to whether they get a scanned image or a directly generated searchable PDF. Another part of the problem is that even in firms where there is some understanding of the premium that should be put on text searchable PDF creation, there are gross misunderstandings about how to achieve this.

F.   PDF features

1. Bookmarks

In order to appreciate the value of text searchable PDF's, lets talk about some features that relate to this function. First, in order to navigate a PDF, and especially a collection of documents that are combined in a single PDF, it is necessary to have bookmarks. The Bookmarks are accessed in the navigation panel on the left side of the Acrobat screen.

We need to be concerned about this not only from a view of our own usability, but in terms of the likelihood that a Judge, or the Judge's law clerk will be looking at our work in PDF format. Why deprive them of the ability to navigate easily through our document – especially if that will make us stand out among others who do not care about making life
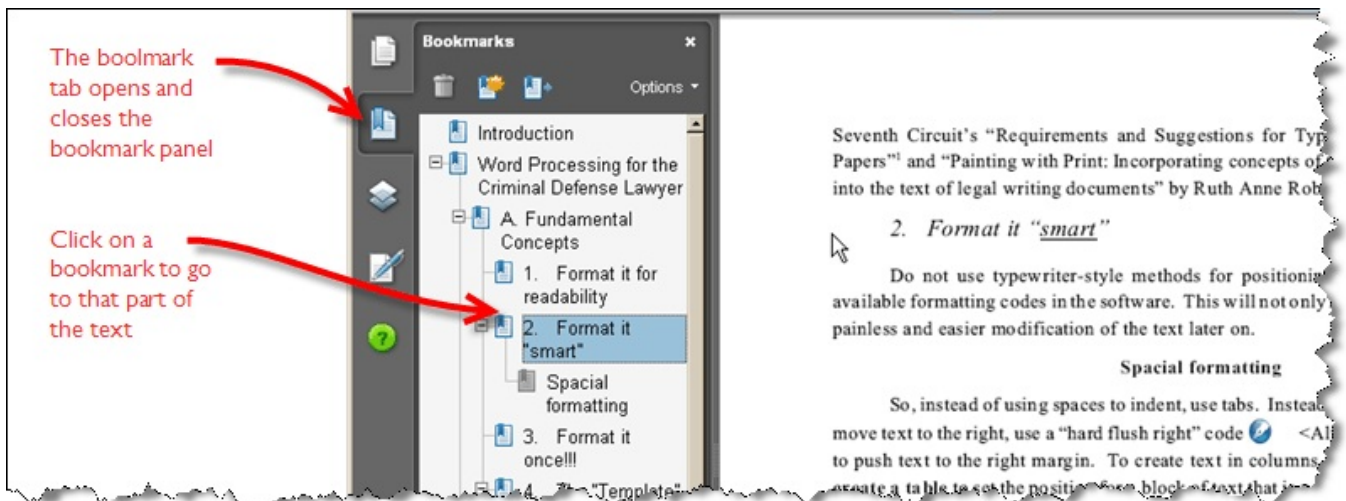
storage space should be the deletion of valuable work product in electronic files ! !

easier for the judge?

Bookmarks can come into the PDF automatically when the PDF is made up of other PDF's that have been combined into one file: a bookmark will automatically be created for each separate document that was imported.

Bookmarks can be put in manually. But it is much easier to insert bookmarks where you can merely select text and have that text be used as the text of the bookmark.

Bookmarks can also come into a PDF where it was generated directly from a WordPerfect document with headings marked for a Table of Contents, or a Word Document with correctly set up export criteria identifying the headings or styles that should be transferred to bookmarks.

A full explanation of the bookmarking process, and related features of PDF documents, is presented in the audio-visual tutorial on your handout disc. This ten minute program will walk you through the steps of bookmarking and other related features of Acrobat.

2. *"Pages" panel*

One very useful, but often overlooked feature in Acrobat is the "Pages" view. In this panel you can select individual pages for deletion or export; you can move the location of one or more pages; you can get a "thumbnail view" of the document.

3. *Comments*

One of the most useful features in Acrobat is "Commenting." There is a variety of tools to add notes and comments regarding the text. Even on "all graphic" PDFs the comments are searchable, and themselves provide another map to the document. Comments on documents circulated for review can be compiled in one document, with the author revealed for each — excellent for group review and comment. Even those with only the free Acrobat Reader can participate, when the hidden powers within that program are unlocked in a document.
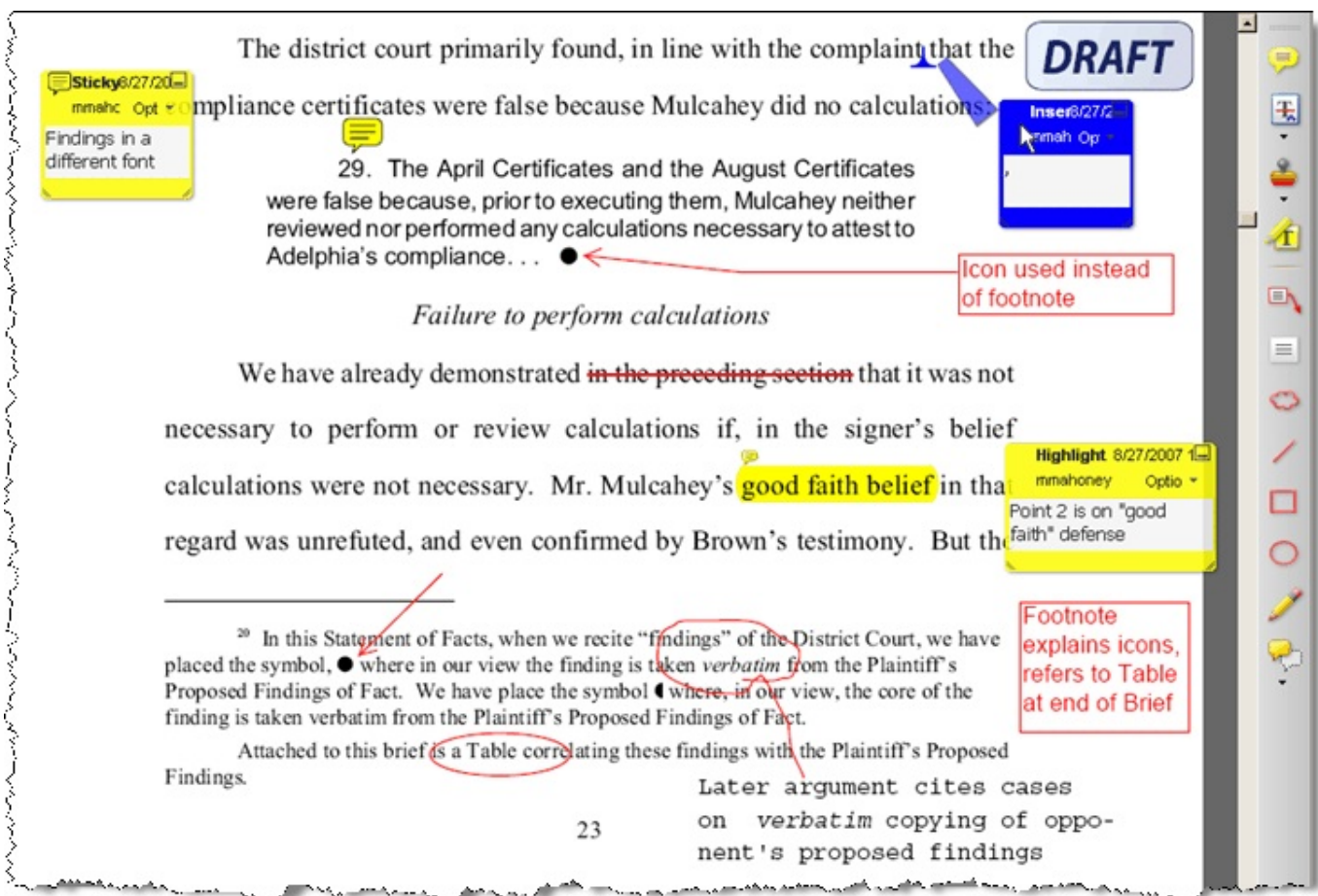
The commenting toolbar allows for a variety of means of commenting. Only the Typewriter tool (shown at the bottom) has to be selected separately.

G. Optical Character Recognition ("OCR")

From within Acrobat one can change the graphic image of text — in a scan of a page for example — to text, with varying degrees of accuracy. This process of Optical Character Recognition was discussed above at page 80. The process is initiated for a single document using the "Document, OCR Text Recognition, Recognize Text Using OCR" menu selections.

1. "Batch processing" and OCR

However you can OCR a large number of documents in a batch using he "batch processing" feature in Acrobat. This step can be avoided by combining a number of files into one Acrobat files, and the OCR-ing that large file. But you may have an enormous collection of PDFs as a result of a discovery request which cannot realistically be combined into one PDF (although it is surprising how large a PDF file can be and still be opened on the average office computer.)

Because it is not a default batch process, you will have to create the process. It is a very simple exercise that may be useful in the future when you learn of other processes that you might want applied to a number of files at once. Begin by following the "Advanced, Document Processing, Batch Processing" menu commands and name a new batch sequence:
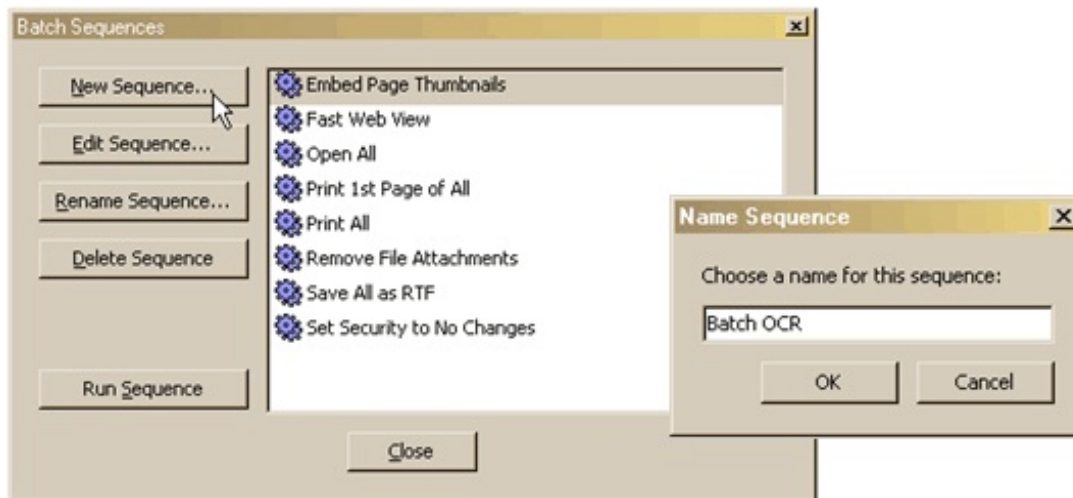
After clicking "OK" to create the sequence you need to tell it the commands to follow, which can be picked from the "Select Commands" dialog. Choose "Recognize Text Using OCR" and "Add>>" it to make it part of the sequence. (Note at this time the variety of operations that can be done in a "batch way")
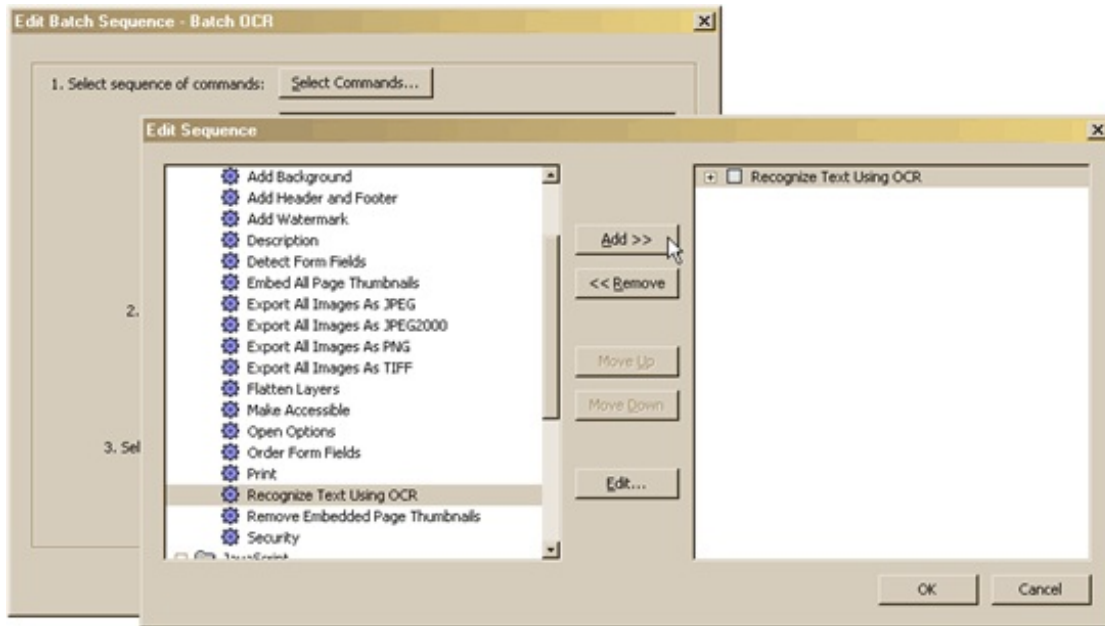
After selecting "OK" here there are choices about what files to run the sequence on and where to send the output. Stick with the defaults for now, but do look at the options. However there an **"Output Options"** button, and in that dialog you can check **"PDF Optimizer"** to scale down the file sizes after the OCR process.

When you conclude this, the "Batch OCR" sequence will be listed in your available batch sequences, and choosing it will lead to a screen in which you can select the files to be OCR'd at the same time.

2. *The "renderable text" problem*

Occasionally when you try to OCR a document, especially one that was gotten off of PACER, or some other court filing system which puts a header on the document, you will get an error message saying "This page contains renderable text." "Renderable Text" is computer generated text that is placed on top of an image layer and it brings a halt to the OCR engine.

For most users the only solution is to remove the renderable text if you can (e.g. Bates numbers you have already put on the documents) or convert the document to TIFF format and then back to PDF, and then OCR the document. However, if you have Acrobat 8 updated to version 8.1 this problem has reportedly been fixed. However, in my experiments it has not been fixed.

H. Creating PDF's from within Word and WordPerfect

As suggested, it is critical to creating useful PDF documents that attorneys make use of the "Styles" features of Word and WordPerfect before generating PDF's from them. This is so not only because the bookmarks may be generated directly but because any hyperlinks in the Table of Contents in the Word document, or hyperlinks in WordPerfect Tables of Contents, Tables of Authorities, cross-references, lists, and index, will be transferred as hyperlinks into the PDF itself.

The main differences between Word and WordPerfect in this regard is that WordPerfect (1) can generate hyperlinks that are distinct in attributes (typically blue and underlined) from the surrounding text, so they are easier to identify and (2) WordPerfect has hyperlinked features that either do not exist in Word (Lists) or are much easier to use.

Thus, properly setting up and using the Styles and Reference Tools in WordPerfect, and the Styles and headings in Word, can result in the generation of a PDF that is much more useful to you, your client, and the court than a simple printed out version of the document or a PDF image of the document.

The judge can navigate either from your bookmarks, or from your table of contents, to get to the point desired in the document — and back.

I. Hyperlinking a PDF

From within Acrobat it is possible to create active hyperlinks to serve a variety of purposes: to go from a Table of Contents to the entry; to go from a word or number to another part of the document; to go to another PDF file; or to go to a Web location (a "URL"). This process begins with the "Link" tool on the "Advanced Editing toolbar. With that tool you define the physical area where the link appears — usually around a certain word — and instruct it where to link to. The default in Acrobat is to surround the link with a visible box, so the viewer can see that the link is there.

Another way is to have the word or phrase already highlighted in a different color (blue is the most common). That can be done by coloring the font in the original document, or by using the "Touch up text" tool in Acrobat to change the color of a word or phrase. Then the Link tool in Acrobat can be set as an "invisible rectangle" and all the reader will see is blue text and, upon hovering over it, will understand that it is an active hyperlink.

J.   Searching PDF's

Once you have PDF's with searchable material (remember that you might have searchable content in the form of comments, even where the file is an "image" file) you can search through the document for words. (Unfortunately PDF is not yet ready fo r"Boolean" searching, using "and" and "or"or proximity operators).

Searching can be speeded up by generating a "Full Text Index" for the document, using the <Advanced, Document Processing, Manage Embedded Index> .menu choices. Most important you can create an Index that spans all the PDF's in a directory and then search that entire directory for the instances of a particular word or phrase. <Advanced, Document Processing, Full text index>

K.   Editing PDF's

Most people are erroneous in the belief that a PDF cannot be edited. In fact PDF's can be edited in several ways. Errors in the OCR process can be corrected through an editing process affecting the text layer, and the actual words in a PDF that has been directly generated can be changed using the "Touch Up Text" tool on the "Advanced Editing"

toolbar.

L.   Electronic Filing

Even the largest firms and government agencies in the country do not appear to understand the importance of creating an electronic PDF for electronic filing, even though it is required under the rules of every court. Even if they understand that the rules seek the filing of a fully text-searchable PDF, most firms appear not to know how to do an electronic filing of a text searchable document where there is some material — such as signatures or exhibits – that have to be scanned in.

Of course one solution is to use "electronic signatures," which can exist in a number of varieties and is a separate topic in PDF preparation. We often file Memos or letter is federal court with either a conformed signature line or a mere graphic image of a signature

rather than an ink signature.

But assuming that the ink signature cannot be dispensed with, or that there are pages that had to be scanned, it may come as a surprise that this *does not mean* that the whole document must be scanned in order to file a single PDF document.

1. *Swapping pages in and out of a PDF*

The fact is that, like paper, pages can be swapped in and out of a PDF document, and a scanned signature page — perhaps having been OCR'd as well, can easily be inserted into its proper place in the PDF file, in place of the unsigned page. Similarly, scanned exhibits can be inserted into the PDF.

In other words, there is no difficulty in having a PDF that is a mixture of scanned images and text-searchable pages. The result of this is greater economy, in file size, greater efficiency, in eliminating the need to scan, and greater functionality for you and for the court.

M. **Document Sharing and Review**

In these days of multiple defendants, and remote computing, among lawyers with different word processing systems and practices, the PDF format can be a boost to efficiency and productivity. A single PDF file can be emailed to separate counsel to review, to place their comments on the document, and then returned. All the comments can then easily be imported into a single PDF file for redistribution. And there are many ways to display the separate comments. This is a far cry from the disarray that can happen when a Word or WordPerfect document is circulated, converted from one format to another, and returned. It is unlikely that the file will be useable anymore.

However, the comments collected by group collaboration with a PDF document can be preserved as comments when a PDF is converted back to Word format.

Even users of the free Acrobat Reader, which, standing alone, has no commenting tools, can participate in this process. This is because a PDF can be generated in Acrobat 8 set to "unlock" commenting tools that are hidden in the free reader. Therefore not everyone in a workgroup has to have the full version of the program in order to collaborate in this fashion. Notes and other comments can be summarized and published to PDF with just a few mouse clicks. Using the document editing tools in Acrobat, text in a PDF can be highlighted, underlined, or struck-through.

N. Archiving files, e-mails, Web pages

Acrobat can be a critical tool for us today where so much of what happens in a case is through e-mail exchange. Few lawyers have a reliable system for archiving this material. Now however Acrobat has the ability to archive a collection of e-mails from Outlook or Notes, to create a PDF file with all the emails, preserving links that were in the original.

Naturally, with ECF where we file document in PDF, and where increasingly scanning systems and litigation support and discovery tools use PDF as a format, if not the default format, it will be increasingly useful to have staff intimately familiar with the features of this software.

PDF is the accepted standard now to migrate to electronic files in the office as a means to cut down on storage costs and archiving worries. It even has a special archiving format that is a recognized international standard.

One of the slickest features of Acrobat is its ability to archive Web pages and even whole Web sites. To do this start by creating a PDF from a Web page using the

O. Acrobat and Lawyers

1. *"Bates Numbering"*

Acrobat has some tools specifically targeted to the legal profession. Of course it is becoming a discovery standard, but before now one had to rely on hand stamping or a vendor to "Bates number" documents. There is now a built-in Bates numbering feature in Acrobat 8.

Things to remember: because you cannot OCR documents with Bates numbers on them, it is important to do any OCR as the first step.

Bates numbering is unavailable for protected or encrypted files, some forms, and applies only to the cover sheets of existing PDF packages. However, Bates numbering can be applied to individual PDFs that are then assembled into a PDF package. And it will work on a PDF that is created from several PDF files.

2. Redaction

Adobe realized the need to produce redacted versions of documents, which can arise both in the discovery process and at trial, where an exhibit has to be redacted to be admitted. Acrobat now has powerful and indelible redaction utility which no t only irreversibly redacts material but which also intelligently assists you in getting the job done.

3. Sanction II now uses native PDF files

Recently Sanction II made it possible to use PDF files in a presentation in the same fashion as TIFF files – with the same annotation tools available. This means that we do not have to have two sets of electronic documents in preparing for trial — an important fact in planning for discovery, and litigation support.

4. Security

The use of PDF for distributing documents can be especially important for Word users where there have been ethical concerns about Word files with "metadata" in the form, at least, of source and "undo" information. PDF has security features that will protect from unwanted disclosures of that sort.

5. E-Briefs

An burgeoning and fascinating area is the filing of "E-Briefs" which have not only the briefs, but the record and cases relied on, hyperlinked to each other for ease of use by the court. This is done using the "hyperlink" features of Acrobat.

6. Create fillable forms

Acrobat 8 now has a feature that will review an electronic form and convert it into a fillable form that can be reused in the future by entering data in the fillable fields. Of course it allows for constructing such forms from scratch. Some courts offer fillable forms, other courts and official agencies just have the form as a PDF file but not searchable or ready to be "typed on" by the user. Acrobat now cures this.

We had a client who had trouble manually filling out the monthly reporting statement for federal probation supervision. Indeed there was a violation of probation centering on this issue. We cured the problem by creating a fillable PDF from the official PDF. That is

included in the materials on the disc.

7. *Acrobat file tools*

The Organizer feature in Acrobat Professional helps attorneys review PDF files. Organizer provides thumbnail images of PDF pages to help find files quickly, organize related files, and rapidly browse, find, and sort PDFs.
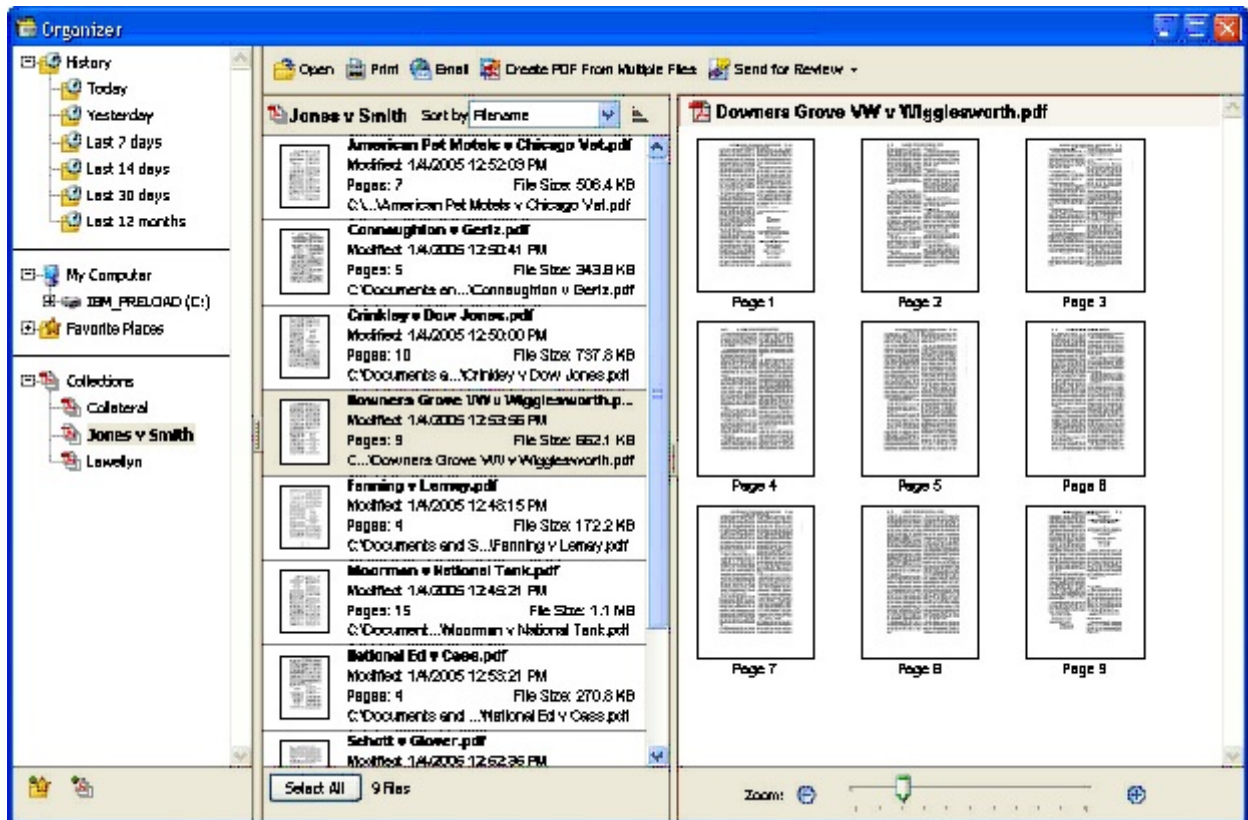
P. **Persuasion**

On the creative side, there are powerful tools created by Adobe which can ultimately be used to help us create persuasive PDF documents for submission to courts and presentation to juries. We can easily collect a variety of electronic and scanned documents and collect them in one PDF file for submission to a court or agency.

While PowerPoint is frequently – and often inappropriately–used in courtroom presentations, Acrobat has advantages in control and display that make it a useful alternative. It has a "display" that makes full use of the screen.

If you are using Acrobat for display you can use F8 to toggle the toolbars on and off. Also <Ctrl-L> will go into full screen mode with right click and left click moving forward or backward, or PgUp and PgDn also for the same purpose. (<Ctrl-L> or Esc will get you out)

You can also set Full Screen mode to display forward and backward buttons, if you want. (Edit, Preferences)

Q. Acrobat Resources

Free Downloads & Trials

Acrobat 8.0 Professional Trial Download

- http://www.adobe.com/products/acrobatpro/tryout.html

Acrobat 7.09 Update for Faster PCL Printing

- http://www.adobe.com/support/downloads/detail.jsp?ftpID=3566

Adobe Document Center Free Trial

- http://www.adobe.com/products/onlineservices/documentcenter/features.html

Acrobat Connect Free Trial

http://www.adobe.com/go/freewebconferencing_2006

Acrobat 8.0 Customization Wizard Download -

http://www.adobe.com/support/downloads/detail.jsp?ftpID=3564

Adobe Reader 8.0 Download -

http://www.adobe.com/products/acrobat/readstep2.html

Adobe Reader 8.0 Enterprise Edition (for Enterprise Deployment) -

http://www.adobe.com/products/acrobat/acrrdistribute.html

Training

Acrobat 8.0 Teaching & Learning Resources -

http://www.adobe.com/education/instruction/teach/acrobat.html?tab:acrostdpro=1

Acrobat 8.0 Experience Flash Demo - http://www.adobe.com/go/acrobat8exp_uk

Acrobat 8.0: What's New for Legal Professionals OnDemand eSeminar (recording) - http://seminars.adobe.acrobat.com/p17441268/

Acrobat 8.0 For Legal Podcast (20 minutes) - http://www.lawbiz.com/podcasts/rick_borstein_final.mp3

Acrobat 8.0 for IT (Deployment and Adobe License Manager) - https://admin.adobe.acrobat.com/_a227210/p50379167/

Acrobat Online Legal Events - http://www.smallurl.info/?r=vh

Adobe Events in Your Area - http://www.adobe.com/events

Resources

Acrobat 8.0 Enterprise Deployment; Step-By-Step Instructions - http://blogs.adobe.com/acrolaw/2007/01/enterprise_depl.html

Adobe Solutions for Legal Professionals Website - www.adobe.com/go/legal

Acrobat 8.0 Pro - New Features for Legal Professionals - http://www.adobe.com/products/acrobat/solutions/legal/productinfo/features/index.html

Acrobat 8.0 for Legal Professionals Whitepaper - http://www.adobe.com/products/acrobat/solutions/pdfs/Acrobat8_foLegalPros.pdf

Acrobat 8.0 Product Family Detailed Comparison Matrix - http://www.adobe.com/products/acrobat/pdfs/acrobat8_matrix.pdf

Acrobat 8.0 Professional Feature Overview - http://www.adobe.com/products/acrobatpro/pdfs/acrobatpro_overview.pdf

Acrobat 8.0 Professional Datasheet - http://www.adobe.com/products/acrobatpro/pdfs/acrobatpro_datasheet.pdf

Acrobat Connect Resources - http://www.adobe.com/products/acrobatconnect/
Support

Acrobat for Legal Professionals Blog - http://blogs.adobe.com/acrolaw/

New Adobe Annual Support Plans - http://www.adobe.com/support/programs/

Free Acrobat Support, Tutorials and Forums - http://www.adobe.com/support/products/acrobat.html

Acrobat Developer Center - http://www.adobe.com/devnet/acrobat/

Adobe Support Knowledgebase - http://www.adobe.com/support/

Mark Mahoney

August 28, 2007

Tutorials: