

# Creating an Editing and Review Process

Presented By: Erin Briggs  
Office of State Public Defender  
October 26, 2017

Adapted from Presentation by Marilena David-Martin  
Michigan State Appellate Defender Office

# Value of Editing

- 100% chance of better work product
- Reader focuses on story - not distractions
- Creates credibility with **Reader** and **Client**





"The secret of good writing is to strip every sentence to its cleanest components.

Every word that serves no function, every long word that could be a short word, every adverb that carries the same meaning that's already in the verb...these are the thousand and one adulterants that weaken the strength of a sentence."

————— WILLIAM ZINSSER —————  
"ON WRITING WELL"  
(p7)



**"There is no such thing as  
good legal writing, only good  
legal rewriting"**

Alice Brandeis Popkin & Frank Brandeis Gilbert,  
*A Letter from Grandchildren of Justice Louis D.  
Brandeis*, 37 Brandeis L.J. 173 (1998-99).

# Hurdles

## #1: Editing Takes Time and Space

**WARNING:**  
DUE DATES ARE  
CLOSER THAN  
THEY APPEAR

### THE GRAVEYARD OF PAST DEADLINES



# Hurdles

## #2 – Attorney Pride



# Most Common Areas for Improvement

Grammar  
Punctuation  
Typos

Appearance

Style

Wordiness  
Lack of Clarity  
Unnecessary  
Facts

Language and  
Terminology

Showing v  
Telling

Lack of  
Consistency

Accuracy

# Creating an Editing Process

- Identify Clear Goals





# Creating an Editing Process



# Keep it Simple



THE WRITER WHO BREEDS  
MORE WORDS THAN HE NEEDS  
IS MAKING A CHORE  
FOR THE READER  
WHO READS.

**Dr. Seuss**

# Keep It Simple

1. A few years before June of 1999, defendant and his family had lived in an apartment building located at 10-61 115th Street, in Queens County - the same building where eighty-five-year-old Winifred Ana Rodriguez lived. When defendant and his family moved out of the building, defendant, believing that his family had been evicted, blamed Ms. Rodriguez for their departure and harbored a grudge against her.
2. Sometime between June 26 and June 29, 1999, defendant seeking revenge for his family's eviction, walked to 10-61 115th Street with Jose Perez, the co-defendant. There, Perez removed a window fan from the kitchen window of Apartment I, where Ms. Rodriguez lived, and, while Perez waited outside the window, defendant entered the apartment, undetected, and went into the livingroom. When Ms. Rodriguez discovered defendant inside her apartment, defendant pulled out a knife, stabbed her thirteen times, and killed her.

# Keep It Simple

1. A few years before June of 1999, defendant and his family had lived in an apartment building located at 10-61 115th Street, in Queens County - the same building where eighty-five-year-old Winifred Ana Rodriguez lived. When defendant and his family moved out of the building, defendant, believing that his family had been evicted, blamed Ms. Rodriguez for their departure and harbored a grudge against her.

Pilar and his family once lived in the same apartment building as Winifred Ana Rodriguez. He blamed Rodriguez for his family's eviction and held a grudge against her for several years.

# Keep It Simple

2. Sometime between June 26 and June 29, 1999, defendant seeking revenge for his family's eviction, walked to 10-61 115th Street with Jose Perez, the co-defendant. There, Perez removed a window fan from the kitchen window of Apartment I, where Ms. Rodriguez lived, and, while Perez waited outside the window, defendant entered the apartment, undetected, and went into the livingroom. When Ms. Rodriguez discovered defendant inside her apartment, defendant pulled out a knife, stabbed her thirteen times, and killed her.

Seeking revenge, Pilar and Jose Perez went back to Rodriguez's apartment in June 1999. Perez waited outside while Pilar went inside, undetected. When Rodriguez discovered Pilar in her living room, he stabbed her to death with a knife.

# Appearance Matters

## ARGUMENT

### **I. MS. WILLIAMS'S CONVICTION FOR LARCENY FROM A PERSON MUST BE REVERSED AND VACATED BECAUSE THE PROSECUTION FAILED TO PROVE BEYOND A REASONABLE DOUBT THAT MS. WILLIAMS TOOK PROPERTY FROM "THE PERSON" OF ANOTHER.**

To convict Ms. Williams of larceny from a person, the prosecution was required to prove beyond a reasonable doubt that, with the intent to permanently deprive Ms. Jones of property, she took property without consent "from the person" of Ms. Jones, and then moved it in some way. MCL 750.357; *People v Smith-Anthony*, 494 Mich 669 (2013). While the term "from the person" can encompass theft of items that are not actually physically possessed by the victim, it requires "more than vague proximity between" victim, property, and the perpetrator. *People v Smith-Anthony*, 296 Mich App 413, 420 (2012) *aff'd* 494 Mich 669 (2013), *citing People v Gadson*, 348 Mich. 307, 308–310 (1957). MCL 750.357 is violated only if property is taken from the victim's actual person or from the victim's "immediate presence." *Smith-Anthony*, 494 Mich at 680-689. Immediate presence means that the property was physically connected to the victim or was right next to him or her. *See* M Crim JI 23.3(4). In *People v Smith-Anthony*, our Supreme Court recognized that there had been an unwarranted and improper broadening of the term "from the person," and sought to reign in the reach of MCL 750.357 to its proper scope. In doing so, the Court emphasized just how narrow the "immediate presence" definition is, explaining,

Courts and commentators alike have emphasized that this standard requires immediate proximity between the object and the victim. As Professor Perkins has explained, "[I]f a man carrying a heavy suitcase sets it down for a moment to rest, and remains right there to guard it, the suitcase remains under the protection of his person." Even objects that are relatively close to a person are not considered to be in the person's immediate presence unless they are immediately next to the person. Hence, the North Carolina Supreme Court ruled that there was no larceny from the person where a thief stole a bank bag from a kiosk while the bank teller was

## ARGUMENT

### **I. Ms. Williams's conviction for larceny from a person must be reversed and vacated because the prosecution failed to prove beyond a reasonable doubt that Ms. Williams took property from "the person" of another.**

To convict Ms. Williams of larceny from a person, the prosecution was required to prove beyond a reasonable doubt that, with the intent to permanently deprive Ms. Jones of property, she took property without consent "from the person" of Ms. Jones, and then moved it in some way. MCL 750.357; *People v Smith-Anthony*, 494 Mich 669 (2013).

While the term "from the person" can encompass theft of items that are not actually physically possessed by the victim, it requires "more than vague proximity between" victim, property, and the perpetrator. *People v Smith-Anthony*, 296 Mich App 413, 420 (2012) *aff'd* 494 Mich 669 (2013), *citing People v Gadson*, 348 Mich. 307, 308–310 (1957). MCL 750.357 is violated only if property is taken from the victim's actual person or from the victim's "immediate presence." *Smith-Anthony*, 494 Mich at 680-689. Immediate presence means that the property was physically connected to the victim or was right next to him or her. *See* M Crim JI 23.3(4).

### The jury was improperly instructed

In *People v Smith-Anthony*, our Supreme Court recognized that there had been an unwarranted and improper broadening of the term "from the person," and sought to reign in the reach of MCL 750.357 to its proper scope. In doing so, the Court emphasized just how narrow

# Creating a Review Process

## Set Clear Procedure

- Identify Deadlines and Timelines
- Mandatory or Voluntary
- Identify Editors
- Identify Process for Feedback



# Take - Away

- Make Editing Mandatory – Not Optional
- Have another person read work, if possible
- If self-editing, step away and change font
- Focus on task at hand





**WHEN LIFE HANDS YOU  
MELONS**

**YOU NEED A PROOFREADER**

[makeameme.org](http://makeameme.org)