



# **From Journalist to Lawyer: How Editing Always Makes the Difference**

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**Cardinal rule in journalism:**

**GET IT RIGHT.**



OOPS!

# The New York Times

## CORRECTIONS

### NATIONAL

Because of an editing error, an [article](#) on Friday about babesiosis, a tick-borne disease, misstated the classification of ticks. They are arachnids, not insects.

### BUSINESS

An [article](#) on Tuesday about hotels' move away from guaranteed daily cleanings during the pandemic misstated how close hotel occupancy levels this year are expected to be to prepandemic levels. They are expected to be just 2 percentage points below 2019, not 2 percent below.



## **Set yourself up for (editing) success.**

Create a schedule that allows you to step away after you're done writing and come back to edit with fresh eyes.

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# Three phases:

- High-level edit (organization)
- Mid-level edit (content)
- Low-level edit (details)

“First we get the rocks out, Alice. Then we get the pebbles out. Then we get the sand out, and the writer’s voice rises. No harm done.”

–Mary Norris, *Between You & Me: Confessions of a Comma Queen*

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# 1. High-level edit



# The organization- and presentation-focused edit

- Does the piece of writing accurately portray what you think is the most important?
  - As a general principle, is your best argument first?
- Is it appealing?
  - Does the structure and formatting make your reader want to read it?

# TRUMP CHARGED WITH 34 FELONIES



D.A. Cites Payoffs to a Porn Star, A Playboy Model and a Doorman

This article is by Joseph E. Bromwich, William K. Bushbaum, Ben Prosser and Maggie Haber.

Donald J. Trump, who has weathered two impeachments and a federal criminal conviction, was charged with 34 felonies on Tuesday after orchestrating a hush-money scheme to pay hush money to a porn star, a playboy model and a doorman.

Former President Donald J. Trump and 166 during his arraignment on Tuesday in Manhattan. He pleaded not guilty to all counts.

## In a Case of Falsified Records, Exploring the Paths to a Felony

By CHARLIE SAVAGE  
State Taxes Scheme Is Among Prosecutors' Potential Accusations

Prosecutors have charged Donald J. Trump with falsifying records to cover up a hush-money scheme to pay a porn star, a playboy model and a doorman.

THE NEW YORK TIMES  
DONALD J. TRUMP  
FELONY CHARGES  
INVESTIGATION  
THE DEFENDANT DONALD J. TRUMP pleaded not guilty to 34 felonies on Tuesday in Manhattan.

## Even as Biden Has Oval Office, Predecessor Has the Spotlight

Team in White House Hopes for Benefits in Being Upstaged

President Joe Biden's administration is looking to capitalize on the spotlight that Donald Trump's prosecution has brought to the White House.

## Next Big Leap for A.I. Tech? Instant Videos on Command.

By SAM MEZ  
Artificial intelligence is set to revolutionize the way we consume media, with instant videos on command being the next big leap for A.I. tech.

## NATO Formally Adds Finland, Delivering a Poke in Putin's Eye

By JEFFREY GERTZ  
NATO formally added Finland to its membership on Tuesday, a move that is seen as a direct challenge to Vladimir Putin's aggression in Ukraine.

INTERNATIONAL B.F. 6  
Hedge Fund Bosses Face Off  
Hedge fund bosses are facing off in a battle for dominance in the financial markets.

NATIONAL AND STATE  
Tackling California Snowpack  
California is facing a crisis with its snowpack, which is melting faster than ever.

FOOD AND DRINK  
A New Take on 'Gessu'  
A new take on the classic Italian dish 'Gessu' is being served at a restaurant in New York City.

FOOD AND DRINK  
Putting Milk on Gen Z's Menu  
Milk is becoming a popular choice for Gen Z consumers, with many restaurants adding it to their menus.

LATE EDITION  
Today's edition includes news, local, national, and international coverage, as well as a special section on the latest in technology.

# TRUMP CHARGED WITH 34 FELONIES



Former President Donald J. Trump said little during his arraignment on Tuesday in Manhattan. He pleaded not guilty to all counts.

## In a Case of Falsified Records, Exploring the Paths to a Felony

By CHARLIE SAVAGE  
WASHINGTON — The unexcused indictment against former President Donald J. Trump Tuesday laid out an unexpected accusation that belated what many legal experts have described as an otherwise risky and novel case.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
THE PEOPLE OF THE STATE OF NEW YORK  
vs.  
DONALD J. TRUMP, Defendant.  
INTRODUCTION  
1. The defendant DONALD J. TRUMP (hereinafter "Trump" or "Defendant") is charged with 34 felonies on Tuesday in Manhattan.

## D.A. Cites Payoffs to a Porn Star, A Playboy Model and a Doorman

This article is by Joseph E. Bromwich, William K. Bushbaum, Ben Prosser and Maggie Haber.

Donald J. Trump, who has weathered two impeachments trials, a special counsel inquiry and decades of investigations, was accused by Manhattan prosecutors on Tuesday of orchestrating a hush-money scheme to pay hush money to a porn star, a playboy model and a doorman.



Everyone stands equal under the law, said Alvin L. Bragg, Manhattan's district attorney.

## Even as Biden Has Oval Office, Predecessor Has the Spotlight

Team in White House Hopes for Benefits in Being Upstaged

President Joe Biden's administration is looking to capitalize on the spotlight that Donald Trump's prosecution has brought to the White House.

BREAKING IT DOWN The statement of facts, above, and annotated highlights of the indictment against Donald J. Trump. Page A4.





**Let's apply these principles to the law.**

# Use design to depict a patent's background.

Source:  
Bryan A. Garner, *The Winning Brief* 449 (3d ed. 2014)

## Example A

Not this:

### Patent Background

The '111 patent was filed on July 24, 2005, and issued on September 22, 2008. The '111 patent will remain in force until July 24, 2025, given the patent term of 20 years from the filing date of the earliest domestic application for which priority is claimed under 35 U.S.C. § 154(a)(2).

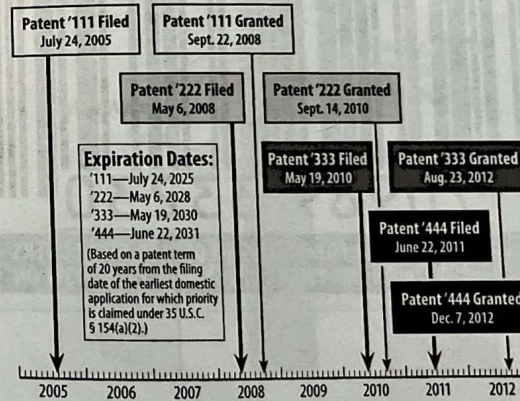
The '222 patent was filed on May 6, 2008, and issued on September 14, 2010. The '222 patent will remain in force until May 6, 2028, given the patent term of 20 years from the filing date of the earliest domestic application for which priority is claimed under 35 U.S.C. § 154(a)(2).

The '333 patent was filed on May 19, 2010, and issued on August 23, 2012. The '333 patent will remain in force until May 19, 2030, given the patent term of 20 years from the filing date of the earliest domestic application for which priority is claimed under 35 U.S.C. § 154(a)(2).

The '444 patent was filed on June 22, 2011, and issued on December 7, 2012. The '444 patent will remain in force until June 22, 2031, given the patent term of 20 years from the filing date of the earliest domestic application for which priority is claimed under 35 U.S.C. § 154(a)(2).

But this:

### Background of the Four Patents at Issue



You could say this is an example of show-don't-tell. See Tip #89.

Use a map to  
illustrate an  
argument.

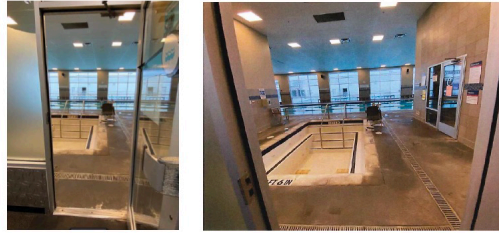


Sroga explains that he walked through the police parking lot because it was the quickest way for him to get from the police station, which is at the southeast corner of

the police parking lot, but the route he took was a little shorter and didn't involve stairs.

The mere fact that a piece of land is

# Use photos to show an open and obvious danger.



ROA.3688-89.

The hot tub was six feet away from the wet area entrance and in the center of the room. ROA.2927. It was approximately 14 feet long, 10 feet wide, and 4 feet deep. ROA.2267-68. When drained, only one inch of water lined the bottom of the hot tub. ROA.2270. As shown above, drainage grates also surrounded the hot tub. ROA.3689. The pool deck surrounding the hot tub was dark concrete, while the below-ground surface of the hot tub was bright-white tile. ROA.2234. Additionally, navy blue tiles lined the edge of the elevation change inside the tub. ROA.3689. The below photograph depicts the hot tub's condition soon after the incident:



ROA.2931.

Mr. Sauls admitted during trial that, from these images, the hot tub was open and obvious. ROA.2184. And these pictures represent the “view that anybody who walks through this door would have.” ROA.2238. Likewise, Martin New, 24 Hour Fitness’s general manager who was present when the incident occurred, noted that it is “extremely hard not to see what [is] in front of you and around you” when people walk into the wet area. ROA.2392.

A surveillance camera in the wet area captured Mr. Sauls’s fall. See ROA.2880. Mr. Sauls entered the facility’s wet area as Mr. Marin held the door open. ROA.2880. As Mr. Sauls walked through the

# Use headings and lists to organize and break up your text.

As this is a diversity case involving claims alleged under Texas law, this Court applies Texas's substantive law. *Huynh v. Walmart Inc.*,

30 F.4th 448, 453 (5th Cir. 2022).

## II. The district court correctly ruled that Texas's open-and-obvious doctrine bars Appellants' claims.

Appellants did not challenge the district court's holding that a reasonably prudent person exercising ordinary care would have seen the open-and-obvious in-ground empty hot tub. Accordingly, this Court should summarily affirm on this ground alone.

### A. Texas courts use an objective standard to determine if a condition is open and obvious.

~~Under Texas law, a negligence claim has three elements: (i) a~~ legal duty, (ii) a breach of that duty, and (iii) damages proximately resulting from the breach. *Villarreal v. Wells Fargo Bank, N.A.*, 814 F.3d 763, 767 (5th Cir. 2016) (quoting *Van Horn v. Chambers*, 970 S.W.2d 542, 544 (Tex. 1998)). Premises liability is a unique form of a negligence claim brought by someone who claims to have been injured by a property's condition.<sup>2</sup> See *United Scaffolding, Inc. v. Levine*, 537

<sup>2</sup> As 24 Hour Fitness established in its original motion for judgment as a matter of law at the close of evidence, negligent-activity claims and premises-liability claims are mutually exclusive, and the facts here do not support a negligent-activity claim. ROA.1656-57.

S.W.3d 463, 471 (Tex. 2017); *Keetch v. Kroger Co.*, 845 S.W.2d 262, 264 (Tex. 1992). To sustain a premises-liability claim when the claimant was an invitee, as Mr. Sauls was in this case, the claimant must prove four elements:

- (1) actual or constructive knowledge of some condition on the premises by the owner/operator;
- (2) the condition posed an unreasonable risk of harm;
- (3) the owner/operator did not exercise reasonable care to reduce or eliminate the risk; and
- (4) the owner/operator's failure to use such care proximately caused the plaintiff's injuries.

*Seigler v. Wal-Mart Stores, Tex., L.L.C.*, 30 F.4th 472, 478-79 (5th Cir. 2022) (quoting *Wal-Mart Stores, Inc. v. Gonzalez*, 968 S.W.2d 934, 936 (Tex. 1998)).

The Supreme Court of Texas has repeatedly described a landowner's duty to invitees as "a duty to make safe *or* warn against any concealed, unreasonably dangerous conditions of which the landowner is, or reasonably should be, aware but the invitee is not." *Austin v. Kroger Tex., L.P.*, 465 S.W.3d 193, 203 (Tex. 2015) (emphasis added). A landowner generally has no duty to warn an invitee, like Mr. Sauls, of open, obvious, *or* known hazards. *Id.* at 204. These no-duty

The district court aptly noted that the threshold for open-and-obvious dangers. See ROA.2062-63. Texas and federal courts alike have found the following hazards open and obvious:<sup>3</sup>

- A cardboard box on a grocery store floor. *Adley v. Kroger Tex., L.P.*, No. 3:20-cv-01767-M, 2021 WL 2474156, at \*2-3 (N.D. Tex. June 17, 2021).
- A low-profile, foot-level water fountain in the middle of a restaurant. *Culotta*, 2019 WL 2588103, at \*4.
- Slippery green algae on a wooden ramp. *Jordan v. Tex. Children's Hosp.*, No. 14-17-00699-CV, 2018 WL 4137209, at \*5 (Tex. App.—Houston [14th Dist.] Aug. 30, 2018, no pet.).
- A thin, white nylon strap protruding into a store aisle. *Rincon v. Home Depot U.S.A., Inc.*, No. 3:17-cv-02909, 2019 WL 6118406, at \*4 (N.D. Tex. Nov. 15, 2019).
- A small clothing tag on a store aisle's floor. *Robles v. Ross Stores, Inc.*, No. 3:16-cv-0086, 2017 WL 2306527, at \*8 (N.D. Tex. May 26, 2017).
- A wrinkle in a large floor mat at a store's entrance. *Dunn v. Wal-Mart Stores, Inc.*, No. 3:17-cv-1187, 2018 WL 4772408, at \*3 (N.D. Tex. Oct. 3, 2018).

<sup>3</sup> Unsurprisingly, other courts have found that the exact condition at issue in this case—an empty artificial cement pool—is an open and obvious condition. See, e.g., *Jacobs v. Coldwell Banker Residential Brokerage Co.*, 221 Cal. Rptr. 3d 701, 708 (Cal. Ct. App. 2017) (“Plaintiffs do not challenge the trial court’s conclusion that ‘[t]he dangers of the empty swimming pool were per se obvious to any adult.”); *Lee v. Oh*, 771 N.Y.S.2d 134, 135 (N.Y. App. Div. 2004) (“The approximately three-meter-wide by one-meter-deep empty, artificial cement pond upon which the plaintiff Jang Hee Lee tripped and fell was not, as a matter of law, an inherently dangerous condition and was readily observable by the reasonable use of one’s senses.”).

- A raised, off-color patch of concrete in the middle of a parking lot. *Hughes v. Kroger Tex., L.P.*, No. 3:15-cv-0806, 2016 WL 3390510, at \*2-3 (N.D. Tex. Mar. 4, 2016).
- A half-inch gap underneath a speed bump. *Alford v. Walgreens Co.*, 747 F. App’x 997, 998 (5th Cir. 2019) (per curiam).
- An unattended flatbed shopping cart in a home-improvement store’s aisle. *Ille v. Lowe’s Home Ctrs., LLC*, No. 1:20-cv-143, 2021 WL 6063112, at \*1, \*6 (N.D. Tex. Dec. 20, 2021).

From these cases, the district court found several similarities for conditions that are open and obvious, none of which Appellants challenged: (1) they are “visibly distinguishable from the floor and other surroundings”; (2) they are “not concealed or obscured”; and (3) “[a] person reasonably attentive to his surroundings would have spotted the condition.” ROA.2063.

All of these factors apply here. The hot tub is much more conspicuous than a wrinkled floor mat, a small clothing tag, or a nylon strap. See ROA.2064; *Rincon*, 2019 WL 6118406, at \*4; *Robles*, 2017 WL 2306527, at \*8; *Dunn*, 2018 WL 4772408, at \*3. It is much less concealed than algae on a wooden ramp or an off-color concrete patch in a parking lot. See *Jordan*, 2018 WL 4137209, at \*5; *Hughes*, 2016 WL 3390510, at \*2-3. Unlike a cardboard box on a grocery store floor, the

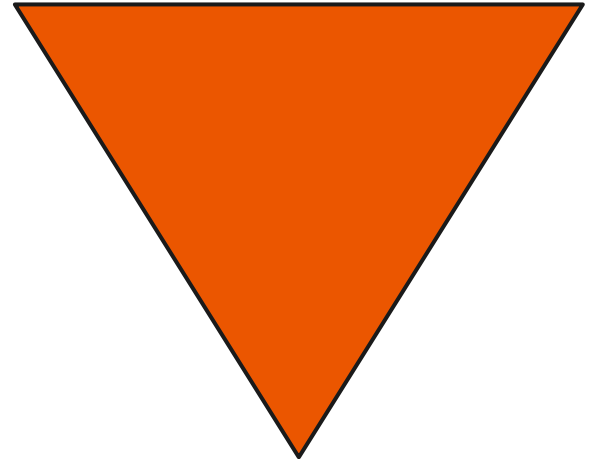
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## 2. Mid-level edit



## The content-focused edit

- Does the placement of your paragraphs make sense?
  - The inverted pyramid



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- Are your arguments cogent?
    - Get rid of that legalese!
  - Slowly read your writing out loud and actively listen.
    - It may be during this mid-level edit that you realize you need visuals or graphics to help illustrate your points.

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### 3. Low-level edit

# Succinct language

- Each sentence should be tight and snappy
- Search the document for these words and replace with stronger verbs, if possible:
  - Is, are, was, were, has, had, have, really, very
- Thesaurus.com is your friend!



# HOUSTON CHRONICLE

HOUSTONCHRONICLE.COM • MONDAY, APRIL 10, 2023 • VOL. 122, NO. 179 • \$3.00

## Agents' response was slowed by chaos after Uvalde shooting

### Statements, body camera footage point to misinformation at scene

**By Guillermo Contreras**

STAFF WRITER

Three Border Patrol agents have been awarded medals for bravery for charging into a classroom at Robb Elementary School in Uvalde and killing the gunman who slaughtered 21 students and teachers.

The agents were part of a six-man team that poured into the room behind agent Warren

Becker III, who held a ballistic body shield to protect himself and his comrades.

The shooter emerged from a closet and opened fire with a semi-automatic rifle. Bullet fragments hit one of the agents in the head, leg and foot, according to previously undisclosed documents obtained by the Hearst Newspapers.

"I saw muzzle flashes in my direction," Becker said in a written

statement to investigators the day after the gunman's May 24, 2022, rampage. "It felt as though the shield was taking impacts. I took a step back, and I began to engage the suspect with my issued handgun. I believe I fired three to four rounds before my handgun malfunctioned."

Most of the other agents also fired at the shooter, 18-year-old Salvador Ramos.

"The subject didn't fall to the

ground immediately," agent Christopher Merrell said in his statement to investigators. "His body was convulsing in a standing position as rounds were hitting him."

The team's decisive action and the Homeland Security Department's decision to give three of the agents the Secretary's Award for Valor clash with official investigations that have depicted the law enforcement response

that day as disastrous, perhaps the worst in the history of mass shootings.

A throng of local, county and state law enforcement officers stood by for 73 minutes while the fourth-graders were trapped with the gunman in two interconnected classrooms. They waited even after learning that at least two children had called 911 from inside the classrooms, pleading for help.

Victims' families, law enforcement leaders and elected officials

*Uvalde continues on A6*



### Original:

Though the crowd was small, the energy brought to the event made it feel like a stadium performance. → 18 words

### Edited:

Although small in numbers, the audience emitted the energy of a stadium performance. → 13 words



### Original:

Plaintiff's request for an injunction in this case is in reality nothing more than a restatement of their claim for money damages. → 22 words

### Edited:

Plaintiffs' request for an injunction just rehashes their claim for money damages. → 12 words

## Final chance to catch “minor” errors

- Are words missing?
- Did you use an incorrect word?
- Is the manner in which you refer to the parties consistent?
- Did you consistently use abbreviations?





## The last step: Cite check

- Encourage students to join a journal—that's the best way to improve citations.

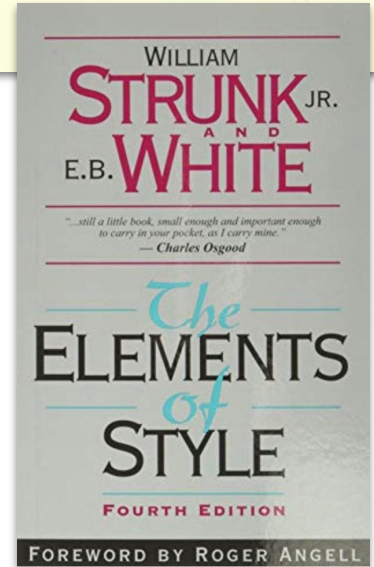
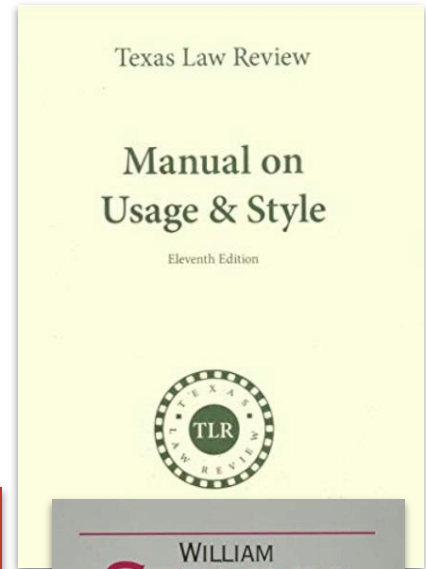
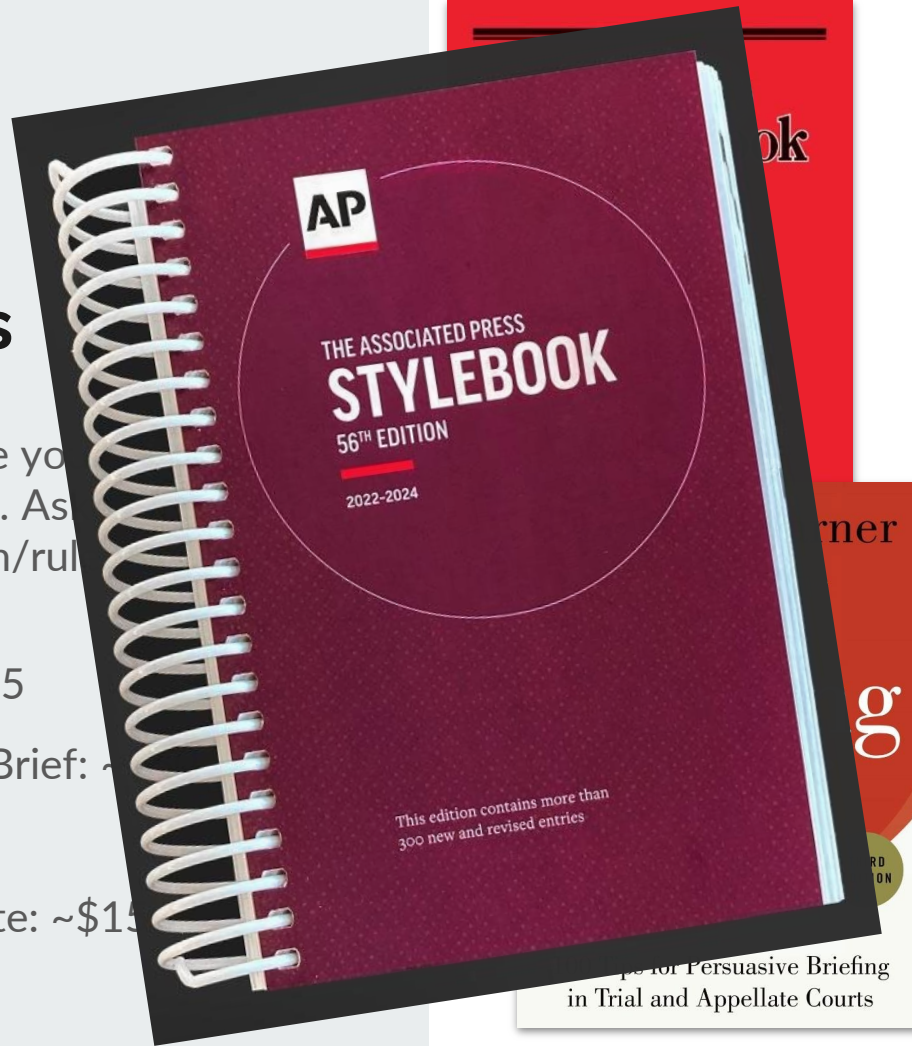
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**A legal (or nonlegal) stylebook can help to introduce students to these ideas.**

# Stylebooks

**Suggestion:** Require you to read one stylebook. As present one section/rule

- Redbook: ~\$75
- The Winning Brief: ~\$15
- MoUS: ~\$20
- Strunk & White: ~\$15



“In my experience, the really great writers enjoy the editorial process.”

–Mary Norris, *Between You & Me: Confessions of a Comma Queen*

# Questions?

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