From Journalist to Lawyer: How Editing Always Makes the Difference

Kirsten Williams

Law Clerk, U.S. District Court for the Southern District of Texas University of Houston Law Center, May 2022 Graduate

Cardinal rule in journalism:

GET IT RIGHT.



OOPS!

The New York Times (ORRECTIONS

NATIONAL

Because of an editing error, an <u>article</u> on Friday about babesiosis, a tick-borne disease, misstated the classification of ticks. <u>They are</u> arachnids, not insects.

BUSINESS

An <u>article</u> 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.

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

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?
 - O Does the structure and formatting make your reader want to read it?

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TRUMP CHARGED WITH 34 FELONIES



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

dent 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

Among Prosecutors' Potential Avenues

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

Helping Hot Bats Cool Off

Tracking California's Snowpack A New Take on 'Grease'

Putting Milk on Gen Z's Menu Bret Stephens

Even as Biden Has Oval Office. Predecessor Has the Spotlight

Team in White House Hopes for Benefits in Being Upstaged

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then worked for the Trump Organization as Special Cosmool to Defendant ("Lawver A").

BREAKING IT DOWN The statement of facts, above, and annotated highlights of the indictment against Donald J. Trump. Page A14.

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.

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

This article is by Jonah E. Bromwich, William K. Rashbaum, Ben Protess and Maggie Ha-

Donald J. Trump, who has veathered two impeachment trials, a special counsel inquiry and decades of investigations, was acused by Manhattan prosecutors on Tuesday of orchestrating a hush-money scheme to pave his path to the presidency and then overing it up from the White

Mr. Trump pleaded not guilty in the case, which has far-reaching political consequences and opens perilous chapter in the long pubtic life of the real estate mogul and former president, who now faces the embarrassing prospect of a criminal trial.

Mr. Trump, who was indicted on 34 felony counts and stands accused of covering up a potential sex scandal involving a porn star, made an extraordinary appearance at the Criminal Courts Building in Lower Manhattan to face the charges. Even as Mr. Trump's upporters rallied outside, the former president sat almost docile at the defense table, listening as prosecutors described the case

dozen words, but at one point he said at a news conference after the leaned forward and entered his

to the American public about the



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

plea of not quilty in the nacked but pin-drop-quiet courtroom, a surreal scene for a man who months ago mounted a third run for the White House

The hearing was also momentous for the prosecutor who brought the case, the Manhattan district attorney, Alvin L. Bragg. Afterward, he made his first remarks since the indictment, punctuating a proceeding that gave his awaited moment of catharsis: Mr. Trump's first day in court as a criminal defendant.

"Everyone stands equal under Overall he said fewer than a the law," Mr. Bragg, a Democrat,

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

By CHARLIE SAVAGE

WASHINGTON - The unsealed indictment against former resident Donald J. Trump on Tuesday laid out an unexpected accusation that bolstered what

many legal experts NEWS have described as ANALYSIS an otherwise risky Prosecutors claim he falsified business records in part for a plan to deceive state tax authori-

For weeks, observers have wondered about the exact charges the Manhattan district attorney, Alvin L. Bragg, would bring. Accusing Mr. Trump of bookkeeping fraud to conceal campaign finance violations. many believed, could raise signifcant legal challenges. That accusation turned out to be a major part of Mr. Bragg's theory - but

"Pundits have been speculating that Trump would be charged with lying about the hush money payments to illegally affect an

State Taxes Scheme Is Among Prosecutors' Potential Avenues

election, and that theory rests on controversial legal issues and could be hard to prove," said Rebecca Roiphe, a New York Law School professor and former state prosecutor.

"It turns out the indictment also includes a claim that Trump falsified records to commit a state tax crime "she continued "That's a much simpler charge that avoids the potential pitfalls.

The indictment listed 34 unts of bookkeeping fraud related to Mr. Trump's reimbursement in 2017 to Michael D. Cohen, his former lawyer and fixer. Just before the 2016 election, Mr. Cohen had made a \$130,000 hush money payment to the pornographic film actress Stormy Daniels, who has said Continued on Page A14

THE PEOPLE OF THE STATE OF NEW YORK STATEMENT OF FACTS DONALD I TRIMP

SUPREME COURT OF THE STATE OF NEW YORK

INTRODUCTION

2. From August 2015 to December 2017, the Defendant orchestrated a scheme with others to influence the 2016 presidential election by identifying and purchasing popular

3. One component of this scheme was that, at the Defendant's request, a lawyer who

Team in White House and MICHAEL D. SHEAR Hopes for Benefits in WASHINGTON - The president of the United States spent Being Upstaged four minutes on Tuesday talking

possibilities and dangers of artifipresident. The one who actually occupies the Oval Office. Americans could be forgiven it later, the White House announced Mr. Biden was finished

Even as Biden Has Oval Office.

Predecessor Has the Spotlight

they momentarily forgot the most powerful person in the country. As helicopters and cam eras followed every step of Donald J. Trump's legal drama in the north with white Ford Bronco-level intensity President Riden faded into the background. ceding the stage to his defend-

He seemed content to do so, at least for now. The White House made no effort to compete for attention with the arrest of a former president. Mr. Biden's only appearance came during a

meeting with his science advisers. Reporters were escorted in at 2:59 p.m., a hoarse Mr. Biden fighting a cold, said a few words. and the reporters were ushered

with nublic events for the day The tale of two presidents on this spring afternoon, one quietly focused on technology policy, the ther having his fingerprints taken, underscored the unique challenge that has confronted Mr. Biden since taking office more than two years ago. No a century has been eclipsed in the public eye by the leader he succeeded the way Mr Riden has at times. Now with the first crim-Continued on Page A16



Madison Journa



Madison Parish graduates this weekend

Losed below are the dates and times for goodution programs for Madison Purish students: tion on May 17th, at 10.66 are on the MHS. 20th at 9.06 are at the MMS cultivate. Compan. Indig: Edicia Toney Williams, will Tallada Elementary will held the following Pre-K, Wednesday, May 14th at 930 am, Soith grams for Tallada Charier School will be held at give the commoncement address. Tallulah Arademy, graduation will also be 13th at 950 ms, Westerday, May 14th, at Mallion Righ School Cafestrain; and WES Delta Head Start will hold their End of Your hold on Sanuday, May 17th at 700 on in the Kindongarum program at 900 am, Thunday, Kindongarum program on Friday, May 16th at Convention of Friday, May 21rd at 1800 an at the

Madyon Figh School will hold their gradue—graders will an exit program on Tuesday. May on the school's campus in the auditorium.

graduation programs. Pre-K. Tacodes, May Grade programs Thursday, May 14th at 9100 am. the Tallulab-Madison Community Comm. May 15th, Fifth grade program at 9:00 am and 9:00 am at Wright Elementary.

Delta Charue School held their graduation
Friday, May 16th will be the annual Awarth Day
Graduation Programs for Tallslish Charue
corenous in Tuesday, May 11th at 700-pm.
Program for the entire school at 9.00 am. All School: Pro K., Tuesday, May 13, 2015, 650 Malines Maddle School will honer their fifth programs for Tabilish Licenstray will be held prox Kindergares, Woltenday, May 14, 2014, at

5:00 pm and Fellit Grade Graduation, Thursday, Wright Elementary graduation programs are: May 15, 2014, at 6:00 pm. All graduation pro-

Suspect

extradited

to Tallulah

Brinkley

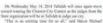
remains

at large

Keyla Pritchet

State judging for CCC is complete

Yvonte Levis Reporter



futher and is a part of the locacy that he will leave the ciry. I rea To want to thank everyone who has supposed on and taken part in th to Tallalah. I'd also like to thank Keith Deville for allowing CLEANEST CITY COMPETITION See Cleaned City on Page 12 and not implied on which to get foliable mady to the competition." Each best. To expend others you at the exact high

der of January Quincy Watter Flobund is Cartal Ford, CCC Chargemon for 2014. * Over the past months City and Plantin women, businesses, volunteers

April 13 mardited back to Talbulah ficets

voluntarily. Our organization was cre- "We've get a lot of military personnel a. Platton. Strigues. with. Delia. April was brought back in we will be a series of the ser

The Madison Parish Chamber of Jones and, "It gives these people who vary scenes repaire. But we've got support of Operation Endowing Death Shared Larry Cox.

Commence took if a regularly scheduled June come back from a campage (was even more coming back with wome). Foredom, On the right of 2N Secondar Cox says the retraining thrus monthly morning to the Vicksburg attentions after losing a limb or wound- that cas's be seen. The succidence right 2006 fin porcey came under the from in properly are expected to be Tablah Regional Airport, horse of the ed some other type of way, a chance to new is higher than the number of indi-enemy RNO's. During the presented extraolord back to Tablah in Schilds Regional Apples, some extract or an one control per creat, yet and the second of the control of the second of the se

and how been hart, having the choice get this visuation under control before. Cal ammunition box and exploded 2. Authorities are still on the The good speaker for the functions to bood with people who been and not, we loss too many more of our neuroning. See from his head. Due to his injuries, search for one suspect, Harold sestained in combin he was medically. Brinkley, Brinkley in commitered served and dangeross and amone with information on his

Chamber holds meeting at SHAF museum

Abanes Leals

was Stanfor Asses. Executive Discount. the things was have a year supporting." Andrews of the Warrier Booking Propert. "Secure Day Fordier, Executive Distract of The background behind the organization than the military."

military and all of those folks joined up sing members of the organization. Charles "Chock" Gregory Williams was Village of Richmond on the move again

Young Lenis Reporter

construction on Shorty Kay Lane to vote on a millage, where gener-which actually saved the City rev-

erset with the USDA to secure. But year, cultime for the inputfunding to repair certain identified - rence of debt and the resusce of roads in Richmood. After running. Seven Hundred Ninety Thousand Mayor Robert Kivett and the into repeated delays with the Dollars (190,000) of General Richmood City Council, along grant, Knott and the Council Obligation Boods. The City of with DAT Construction, Mostner, made the decision to allow the city. Louisiana, have begun road work lines of Richmond an opportunity hank to finance the cost of repairs, and resence would be used to come in the loser run.

percent of the US population is in the ... the SHAF transvers, is one of the found- ... tion is quite simple... SEC (RET. USA)

For several years the City of final road repair on Richmond Richmond had been working on a much. The millage passed late

Tienny Stock to Tallylah, April Wither was killed April 13 or the Days Inn and his body was moved and set on fire early on the morning of the 14th.





Madison Parish Hospital

SINCE 1957

SERVING MADISON PARISH

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

Patent Background

Not this:

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).

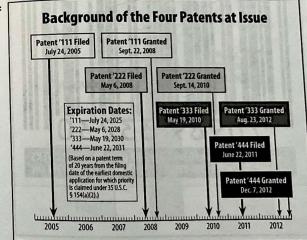
The '444 patent was filed on June 22, 2011, and issued on December 7, 2012. The '444 patent will remain in force until June 22, 2031, given the patent term of 20 years from the filing date of the earliest domestic application for which priority is claimed under 35 U.S.C. § 154(a)(2).

You could

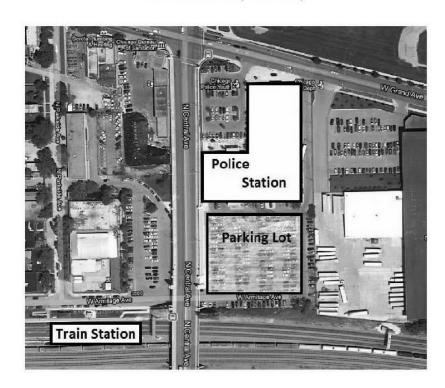
say this is an

example of show-don't-tell. See Tip #89.

But this:



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

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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 2029

II. The district court correctly ruled that Texas's open-andobvious 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.

 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. See United Scaffolding. Inc. v. Levine, 537

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

15

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 negligentactivity claim. ROA.1656-57.

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

- 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-Mark Stores, Inc., No. 3:17-cv-1187, 2018
 WL 4772408, at *3 (N.D. Tex. Oct. 3, 2018).

- 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 homeimprovement 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

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.").

2. Mid-level edit

The content-focused edit

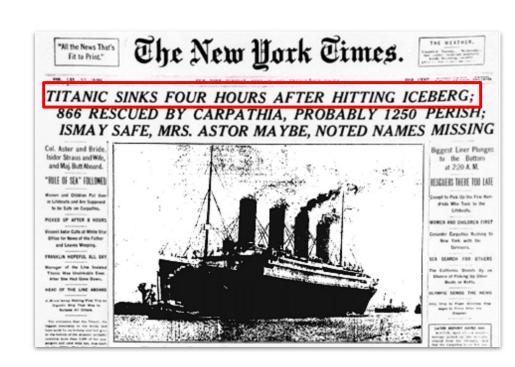
- Does the placement of your paragraphs make sense?
 - The inverted pyramid

- Are your arguments cogent?
 - O 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.

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 sixman 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. \rightarrow 18 words

Edited:

Although small in numbers, the audience emitted the energy of a stadium performance. \rightarrow 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. \rightarrow 22 words

Edited:

Plaintiffs' request for an injunction just rehashes their claim for money damages. \rightarrow 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.

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



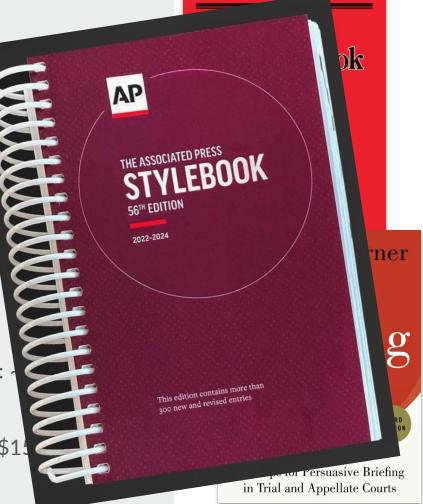
Suggestion: Require yo read one stylebook. As present one section/rul

Redbook: ~\$75

The Winning Brief: -

• MoUS: ~\$20

Strunk & White: ~\$1

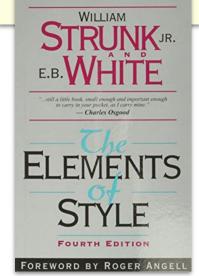


Texas Law Review

Manual on Usage & Style

Eleventh Edition





"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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