

Plain speaking

Professor Peter Butt from the University of Sydney spoke on the practical techniques of writing in plain English at a series of seminars hosted by the Institute of Legal Studies.

He insisted that the techniques apply to all writers who are preparing documents to be read by a client or customer. In particular they apply whenever a business or a government department is preparing information or circulars for reading by the public.

The seminars were sponsored by Ganado & Associates, Advocates, and Camilleri Preziosi, Advocates.



Both law firms were aware of the world-wide move towards "plain legal language" and were keen to ensure that their staff were abreast of this move and had the skills to write clearly, simply and directly, Prof Butt said.

"Plain legal language" is something new in Malta - or at least that is my impression from studying Maltese legal documents. The Maltese legal profession as a whole prefers the more formal, "legalese" style. Law students are encouraged to write in this traditional style, and this style is reinforced when they enter legal practice. This legalese style might be fine between lawyers; but research shows that it does not communicate effectively to clients. Research also shows that "plain" language can be just as legally effective as the traditional style; it can "do the job" just as well as gobbledygook. And so if plain language is legally effective, and if clients understand it better, then arguments against it become hard to justify."

The seminars had a three-fold aim: to introduce the lawyers to some of the modern research on the benefits of plain language; to examine the particular problems that lawyers face when writing legal documents and opinions in plain language; and to discuss the practical techniques of writing in plain English.

Prof Butt also explained the first two aims in an article in The Times Business on December 1.

As for the practical techniques of writing in plain English, Prof Butt said they were based on these "10 commandments" or principles:

1. Know your audience. All effective writers obey this Commandment. They write for their audience, not for themselves. They identify their audience and direct the writing at that audience. Writers who overlook this Commandment are unlikely to communicate clearly and convincingly.

2. Organise your material for your audience. This is like unto the first Commandment. Having identified your audience, write in a way that is logical for that audience. This includes not only choosing an appropriate level of vocabulary, but also a structure that the audience will find useful. Lawyers (including even judges) often overlook this; they put at the very end of their opinion (or judgment) the information which the reader needs the most. Put the important information first. Front-load your writing.

3. Treat your reader as a human being. In some ways, this Commandment is the greatest of all, for it embodies the essence of the first two. Do unto your readers as you would have them do unto you. You are a person, so treat your readers as persons. Lighten up your tone. Write to communicate, not to impress.

4. Use short sentences. Do not exceed 25 words per sentence. Most readers cannot easily cope with more than 25 words at a time. But vary your sentence lengths: make some short, some longer. Otherwise your writing will become boring. And to drive home a point, use a short sentence. Like this one.

5. Use short words. If you can choose between a long word and a short word, always choose the short. For example, don't utilise "utilise" where you could use "use". Your readers are unlikely to think that you lack education; and they certainly won't complain that your writing was too easy to understand.

6. Use the active, not the passive. Usually we speak in the active voice: "the police arrested the suspect". But bureaucratic and legal writing often prefers the passive: "the suspect was arrested by the police", or "the document was signed by the client". The passive usually takes more words (breaching Commandment 10), and it always forces the reader to work harder at unpacking the message. Perhaps we think the passive provides a certain formality or distance. But who in their right mind would say: "the mat was sat on by the cat"?

7. Use verbs, not noun phrases. As with the passive, so too noun phrases (or "nominalisations") are endemic in bureaucratic and legal writing. Why do we "make a decision" instead of just "decide"; or "make an arrest" instead of "arrest"; or "be involved in a collision" instead of "collide"? Verbs - especially short, powerful verbs - are always more effective than wordy noun phrases. Root out the noun phrases and pare them back to the verb.

8. Simply wordy phrases. Say "under" instead of "pursuant to"; "despite" instead of "notwithstanding the fact that"; "about" instead of "in respect of"; and so on. Lighten up. Your readers will think no less of you; in fact, they might even thank you, for by choosing the simpler, shorter word or phrase, you have saved them time and effort.

9. Avoid weasel words. If you can say something directly, then say it. Don't beef up your writing with colourful but empty phrases. Prefer the simple to the complex, the concrete to the abstract, the clear to the muddy. When our late and much loved Pope was very ill, the Vatican issued a press release: "The Pope's condition is registering a positive evolution." Was he getting better or worse?

10. Fewer words, better communication. If you can say something in fewer words, do so. Fewer is always better than more. Do unto your words as the pruning fork does unto fruit tree. Be ruthless. Cut off whatever is redundant and cast it into the fire.