

SHARE & GAIN

1st Legal English Workshops, Supraśl, 18-19 September, 2014



Writing in Plain English

by Aleksandra Łuczak

Words are lawyer's tools of trade.

Lord Denning

To study legal English you need: basic legal knowledge, technical language (terms of art), conceptual thinking

Archaic English, Latin and French terminology, tortuous syntax, peculiar punctuation, **doublets and triplets**, here-, there- and where- words; **whatsoever**, **wheresoever**, **howsoever**; **hence**, **whence**, **thence**

<http://www.memrise.com/home/courses/teaching/>

Your Personal Glossary

Term: trial (noun)

Definition: the process of examining and deciding a civil or criminal case before a court

Example: Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial.

Grammatical patterns: to be on trial for sth.

Collocations: fair -, public-, to hold a-

Translation:

Verb: to try

Relationship names

Donor –

Lessor –

Mortgagor-

Representor-

Transferor-

Indemnitor -

In this contract, all references to 'dogs' shall be **deemed** to be references to 'cats'.

Plain language is a variant of a national language recommended to authors and institutions producing texts for general public, so called "every citizen". Plain language text is to be understood by an everyman, irrespective of his/her education and knowledge at first reading. Martin Cutts (1998), a research director of the Plain Language Commission in the United Kingdom, defines plain English as **the writing and setting out of essential information in a way that gives a cooperative, motivated person a good chance of understanding the document at the first reading, and in the same sense that the writer meant it to be understood.**

Students need to know how to write:

- e-mails and letters
- legal opinions (letter of advice)
- contracts (lawyers use templates)
- law suits

Study skills needed for developing writing for legal purposes:

- comprehension and paraphrasing
- defining (synonyms, opposites, plain English definitions)
- translating
- summarising
- + layouts and models
- + standard phrases (for letters, contracts, memoranda)

This lawyer said the judge is a fool.
This lawyer, said the judge, is a fool.

Punctuation

Woman without her man would be a savage.
Woman – without her, man would be a savage

Sentence Structure

Use **active voice, S-V-O** structure in declarative sentences
Passive preferred only when the writer wants to divert attention from the real subject (the contract was signed) or to focus attention on the object in a case when it is more important than the subject (the meeting will be held)

Subject-verb agreement

1. The attorney **and** her assistant **are** in court.
2. My lawyer **or/nor** my accountant **is** attending the meeting today.
3. **Neither/either** my lawyer **nor/or** my accountant **is** available.
4. **The number** of different companies involved in this process **is** five.
5. **A number** of different companies **are** involved in this process.
6. News, mathematics, dollars **is** ...
7. Five years **is** a long time.

[Now, improve the sentences.](#)

Elements of good style

- clarity and simplicity (kiss)
- planning (**IRAC** model for letter of advice/legal opinion)
- use ordinary words (plain English [equivalents](#)), never use a long word when a short one can be used (~~notwithstanding~~/despite)
- avoid negative structures: *it is ~~not~~ impossible that this matter will have a ~~not~~ *inconsiderable bearing upon our decision**
- keep sentences short, about 20 words long
- new thought/topic – new paragraph
- active verbs instead of [nominalisations](#) (~~give consideration to/consider, be in opposition to/oppose~~)
- [discourse markers](#) (linking words)
- presentation and layout of the document

More reading: Rupert Haigh 2012, Legal English Third Edition

Grammar for law

- questions
- passive voice
- collocations
- prepositions
- articles
- countable and uncountable nouns
- word order

[Now, improve the clauses](#)

3-step approach to efficient paraphrasing

1. Define the bolded words in plain English (bold the words/more words yourself)
2. Translate the clause into Polish
3. Write your paraphrase in plain English

Letter writing approach

1. Know the layout
2. Collect [standard letter phrases](#)
3. Start with [redrafting or gap-fill](#) activities
4. Draft letters using hints or standard letter phrases
5. Draft letters of advice which combine analysis of relevant legal documents and letter writing.

Terms and Conditions in Plain English

<http://www.cambridgelawstudio.co.uk/register-online/terms-conditions/>

