

An Excerpt from *Writing for Dollars, Writing to Please*

By Joe Kimble

In May, your loyal editor published a new book, Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law. It sets out the elements of plain language, debunks the myths about it, describes 40 highlights in plain-language history, and summarizes 50 case studies, including the one that follows. (It happens to be #5 of the 50.) The case studies illustrate the untold millions and even billions that business and government could save by using plain language in their printed and online documents. Why? Because readers understand plain language better and faster, they make fewer mistakes and have fewer questions, they strongly prefer it to legalese and officialese, they are more likely to comply with it, and they are much more likely to read it in the first place. Almost 20 of the studies involve legal readers (judges, lawyers, or both) or legal documents. The book is published by Carolina Academic Press.

U.S.: State of Washington— Consumer Documents¹

In 2001, the Washington Department of Labor and Industries began a “Plain Talk” project to rewrite 100 of its form letters into plain language. Some other agencies fol-

lowed suit, and in 2003 the Department of Revenue rewrote a letter that tripled the number of businesses paying a commonly ignored use tax. In just one year, the letter produced \$800,000 more in revenue than the department had projected.

Results like this led the governor to sign a “Plain Talk” Executive Order in 2005. In the years that followed, 35 cabinet agencies adopted Plain Talk programs, at least 7,500 employees were trained in plain language, more than 2,000 letters and forms were rewritten, and six major websites were overhauled. Each agency had an assigned Plain Talk leader; the leaders formed committees to develop guidelines, measurements, and awards; and each agency submitted a yearly progress report to the governor. Unfortunately, the Plain Talk program began losing momentum in 2009 because of budget troubles. Never mind that the seminal use-tax letter cost 1 cent for every dollar collected.

Here are more success stories from that program’s brief run:

- The Department of Social and Health Services rewrote letters sent to citizens about their benefits. Before, the agency would send separate letters for each benefit (food stamps, medical, cash assistance), totaling 1.5 million pages
- The Department of Labor and Industries developed clearer instructions and explanations for citizens requesting public records. About 10% of people were calling with routine process questions, slowing staff response times. In one year, phone calls dropped by 95%, allowing the staff to reduce its response time from 12 to 8 days. Also, the department was able to withdraw an earlier budget request for two additional employees at \$110,000 a year. And the following year, when requests for public records suddenly tripled, the department managed with the same number of staff positions.
- The Department of Revenue wrote clearer instructions to businesses for returning unclaimed property (usually funds) because many were ignoring the old, unclear notice. The new notice increased the response rate from 41% to 76% in one year.
- The Health Care Authority, which administers benefits to state employees,

per month. The new letter consolidated 12 letters into 1, thus reducing postage by \$25,000 annually and probably reducing confusion as well.

¹“Plain Language” is a regular feature of the *Michigan Bar Journal*, edited by Joseph Kimble for the Plain English Subcommittee of the Publications and Website Advisory Committee. Want to contribute a plain-English article? Contact Prof. Kimble at Thomas Cooley Law School, P.O. Box 13038, Lansing, MI 48901, or at kimblej@cooley.edu. For an index of past columns, visit www.michbar.org/generalinfo/plainenglish/.

In 2003 the Department of Revenue rewrote [into plain language] a letter that tripled the number of businesses paying a commonly ignored use tax. In just one year, the letter produced \$800,000 more in revenue than the department had projected.

The Department of Licensing changed a letter about failing to respond to a citation. After the change, the department's hotline busy signals dropped by 95%, allowing 850 more people to reach the hotline each day.

needed to cut costs and call-center wait times by getting more members online. The department wrote clearer instructions for how to start an online account, and those accounts jumped by 8,500, or 30%, in seven months. Even though more people, in general, are going online every day, the increase still exceeded expectations. For each phone inquiry avoided, the department saves \$3.50—or an extra \$30,000 annually if each new account goes online just once instead of phoning.

One last example. The Department of Licensing changed a letter about failing to respond to a citation.

Before:

ON 2-14-03 AT 12:01 AM YOUR DRIVING PRIVILEGE WILL BE SUSPENDED FOR FAILURE TO APPEAR/PAY/COMPLY ON CITATION #409584 RCW 46.20.289. THE SUSPENSION WILL REMAIN IN EFFECT UNTIL NOTIFIED OF REINSTATEMENT BY THIS DEPARTMENT.

TO AVOID SUSPENSION, YOU MUST RESOLVE ALL CHARGES ON THIS CITATION WITH THE COURT INDICATED BELOW AND THE DEPARTMENT MUST RECEIVE PROOF FROM THE COURT BEFORE 02-14-03 THAT THE CHARGE(S) HAVE BEEN RESOLVED. QUESTIONS REGARDING THE CITATION AND/OR FINE SHOULD BE DIRECTED TO THE COURT LISTED BELOW.

After:

On 2-14-2003 at 12:01 a.m. your driving privilege will be suspended.

The Court has notified us that you failed to respond, pay, appear, or comply with the terms of the citation listed below.

Citation #	Violation Date	Reason for Citation
000000	10-6-2002	No valid license

What do I have to do to avoid suspension of my driving privileges?

1. Contact the court below to find out what you must do to take care of this citation....

After the change, the department's hotline busy signals dropped by 95%, allowing 850 more people to reach the hotline each day and freeing up three employees to help customers in other ways. ■



Joseph Kimble has taught legal writing for 30 years at Thomas Cooley Law School. He is the author of Lifting the Fog of Legal-ese: Essays on Plain Language, the editor in chief of The Scribes Journal of

Legal Writing, the past president of the international organization Clarity, a founding director of the Center for Plain Language, and the drafting consultant on all federal court rules. He led the work of redrafting the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

FOOTNOTE

1. Dana Howard Bolka, Workshop Slides, *Washington State: Where We "Plain Talk,"* <http://www.plainlanguage.gov/news/PLAINPresentation4-1-08.ppt> (Apr. 1, 2008); Dana Howard Bolka, Workshop Slides, *In a "Self-Serve" Economy: Using Plain Talk to Improve Processes—and Save Money* (Aug. 6, 2009); e-mails from Dana Howard Bolka, Manager of Customer Communications, Wash. Dep't of Labor & Industries, to the author (Mar. 16 & July 7, 2010, Mar. 16, 2012).