

PLAIN LANGUAGE

A plain-language standard:

A TOOL FOR ALL OF US

BY CHRISTOPHER BALMFORD

Readers concerned about the clarity of legal writing might like to keep their eye on a project at the International Organization for Standardization (ISO)¹ to develop a plain-language standard, which is due to be published this year. ISO's more than 22,500 standards are written and maintained by volunteer international experts appointed by ISO's 165 members. Each ISO member is a national-standards body — for example, the Japanese Industrial Standards Committee or the American National Standards Institute.²

ISO's draft plain-language standard is based on the International Plain Language Federation's widely accepted definition of plain language:

A communication is in plain language if its wording, structure, and design are so clear that the intended readers can easily find what they need, understand what they find, and use that information.³

In this way, the standard will help broaden people's understanding of plain language — as well as help people everywhere produce documents that work for their intended audience.

Legal advisers can encourage their clients to adopt and apply the standard to help them improve the clarity of their documents. By doing so, they are likely to improve the efficiency and effectiveness of their wider operations. In turn, they may find that their new plain-language documents delight their readers — for example, customers, investors, members, patients, staff — and enhance their organizations' brand.

And of course, legal advisers — and the organizations they work in — can adopt the standard.

PLAIN-LANGUAGE EXPERTS INVOLVED

ISO's plain-language project was initiated by the federation, which was formed in 2009 by the three main international plain-language associations: PLAIN, Clarity, and the Center for Plain Language (Clarity has a focus on legal documents and legal writing — and so is particularly relevant to this column's readers).⁴

In 2019, the federation proposed to Standards Australia that it develop an international plain-language standard. Standards Australia decided that the standard would best be developed internationally. In June 2019, Standards Australia proposed to ISO that it develop the standard. ISO approved that proposal.

The federation has a blog telling the story of the journey to the plain-language standard.⁵ The blog includes a timeline from 2007 and videos of the standards-related sessions from plain-language conferences in 2020 and 2021.

The ISO working group developing the standard has more than 15 members who are also members of at least one of PLAIN, Clarity, and the Center for Plain Language. Each expert was appointed to ISO's working group by their country's national standards body.

Also, ISO has appointed PLAIN, Clarity, the Center for Plain Language, and the International Institute of Information Design⁶ as liai-

"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 37 years. To contribute an article, contact Prof. Kimble at WMU-Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, visit www.michbar.org/plainlanguage.

son organizations to the working group developing the standard.⁷ This is something of a big deal. Each liaison organization can appoint a representative to the working group. That representative can:

- attend and speak at meetings to express the liaison organization's views; and
- see, and comment on, drafts of the standard.

To help a liaison organization form its views on drafts of the standard, it can seek input from its members, as PLAIN, Clarity, and the Center for Plain Language did during 2020 (at the time, the International Institute of Information Design had not yet been appointed as a liaison organization).

LANGUAGE-NEUTRAL — PART 1 OF A MULTIPART STANDARD

The plain-language standard due to be released this year will be Part 1 of a likely multipart standard. Part 1 covers high-level matters, so it can be language-neutral. That is, it will work in most, if not all, languages and in all sectors of the economy. So far, people speaking more than 17 languages — from every continent except Antarctica — have reviewed the standard to make sure it will work in their language.⁸

Later parts of the standard will likely focus on particular languages and particular types of documents and communication. Perhaps a future part of the standard will focus on legal writing.

A STANDARD FOR "GUIDANCE" — THAT IS, A NONMANDATORY STANDARD

Part 1 of the standard will be a standard for "guidance," which places it in the middle of ISO's three levels of standards:

- At the "bottom" are technical reports, which provide information only.
- In the "middle" are standards for guidance. Again, Part 1 of the plain-language standard will fall into this category. Standards for guidance use the word *should* to guide users toward what the standard aims to help them achieve.
- At the "top" are mandatory standards, which is probably what comes to most of our minds when we think about standards. These mandatory standards use the word *shall* to direct users what they must do if they are to comply. (To be sure, this *shall* causes pain to many a plain-language practitioner.) In the ISO world, these mandatory *shall* standards are known as being "normative."⁹

An example of a mandatory standard — one that uses *shall* — is the one about paper sizes (A3, A4, etc.). The mandatory nature of a paper-size standard helps, for example:

- manufacturers of printers and photocopiers to make machines that will handle the relevant-sized paper; and

- manufacturers of paper to make paper that will fit all the complying machines.

People buying papers and machines that comply with the relevant standard can do so confidently, knowing that paper and machine will fit.

Although the plain-language standard may evolve to become a mandatory standard, for now it will be a standard for guidance. Any ISO project to make the plain-language standard mandatory would go through the same expert-driven, consensus-seeking process that the current standard for guidance is undergoing.

STANDARDS FOR A FIELD THAT HAS SOME CREATIVITY AND SUBJECTIVITY

When the plain-language world first began to consider the possibility of a plain-language standard, it grappled with whether standards have the capacity to govern something as subjective as writing. After all, writing in plain language involves at least some creativity — less creativity than is involved in writing a poem or sculpting a sculpture, but more than is involved in changing a car tire or filling a pothole.

ISO's experts soon removed this concern by pointing out that standards about good governance are subjective but can still set out what's required — for example, a board committee to manage governance, and a governance policy that deals with certain topics.

Those ISO experts also pointed out that a standard about writing poems could:

- set requirements — for example: a sonnet is to have 14 lines with 10 syllables a line, and is to rhyme in one of the many patterns that are accepted as amounting to a rhyme; but
- be silent about the poem's quality.

Further, in the standards world, there is a difference between standards that require "conformity" and standards that don't. And conformity requirements are discouraged — but only if they go so far as to say something like this: "To meet the standard, you need to have your document reviewed, approved, and certified by a relevant expert."

The draft plain-language standard avoids the types of conformity requirements that ISO discourages.

THE FEDERATION'S LOCALIZATION COMMITTEE

To help ease the way for the pending standard, the federation has a standard-localization committee. The committee, chaired by Gael Spivak of Canada, is seeking to work with plain-language practitioners in as many countries as possible to help them engage with their national standards body and work to localize the standard to make it suit their languages, their culture, and the like.¹⁰

You can contact Gael Spivak at gael@iplfederation.org to find out who else from your country or language is already involved in this work and to inquire about joining the team.

Also, you can apply to be directly involved in developing the standard through your country's national standards body.¹¹

A TOOL FOR US ALL

The aim of a plain-language standard is to provide — for writers everywhere who are working on any type of document, from a letter to legislation — a tool with:

- The credibility of ISO, its 165 national-standards body members, and more than 22,500 standards.
- The credibility of being developed with input and support from many plain-language experts.

A useful model of the sort of tool the standard might become is the U.S. Plain Writing Act, which requires federal government agencies to write in plain language.¹² By a happy coincidence, President Barack Obama signed the act into law during Clarity's 2010 conference in Lisbon, Portugal. Conference participants were able to congratulate, and celebrate with, the members of the Center for Plain Language, who had been heavily involved in making the act a reality.¹³

Then, in 2020, at the Access for All plain-language conference,¹⁴ participants celebrated the 10-year anniversary of the U.S. Plain Writing Act.¹⁵ People working in U.S. government agencies reported that the act has empowered them, helped legitimize plain language in the eyes of the skeptics, and generally made their work easier.

Here's hoping that plain-language practitioners everywhere will be saying similar things about ISO's plain-language standard when they celebrate its 10-year anniversary in 2032.

Much of this article originally appeared in the PLAIN eJournal, Vol. 3, No. 2. Part of it also appeared in The Clarity Journal No. 79.

Christopher Balmford is a sea kayaker; former lawyer; board member of the International Plain Language Federation; project leader of ISO's Plain Language Project and convenor of ISO Working Group, ISO TC 37 WG 11; past president of Clarity International; and managing director of the plain-language consultancy Words and Beyond (wordsandbeyond.com). He founded the online legal-document provider Cleardocs, which Thomson Reuters acquired in 2011.

ENDNOTES

1. About Us, Int'l Organization for Standardization <<https://www.iso.org/about-us.html>> [<https://perma.cc/78SX-AQ7D>]. All websites cited in this article were accessed February 23, 2022.
2. Japanese Industrial Standards Comm <<http://www.jisc.go.jp/>> [<https://perma.cc/QY3S-CLAL>] and American Nat'l Standards Inst <<https://www.ansi.org/>> [<https://perma.cc/3G4J-7CPM>].
3. Plain Language Definitions, Int'l Plain Language Federation <<https://www.iplfederation.org/plain-language>> [<https://perma.cc/3JA4-4SFS>].
4. Plain Language Association Int'l <<https://plainlanguagenetwork.org/>> [<https://perma.cc/C4KR-SXUH>], Clarity <<http://www.clarity-international.net/>> [<https://perma.cc/BFC8-YVAC>], and Center for Plain Language <<https://centerforplainlanguage.org/>> [<https://perma.cc/83V9-UBZL>].
5. Our Work, Int'l Plain Language Federation <<https://www.iplfederation.org/our-work/>> [<https://perma.cc/PAY2-PR9A>].
6. Int'l Institute for Information Design <<https://www.iiid.net/>> [<https://perma.cc/8V9M-KPK2>].
7. An ISO Plain Language Standard, Int'l Plain Language Federation <<https://www.iplfederation.org/an-iso-plain-language-standard/>> [<https://perma.cc/Z4LK-U438>].
8. "An ISO plain language standard: Where we're at, next steps, and the back story," 2020 presentation by the author, available at <<https://vimeo.com/465538376/cb13057edf>>.
9. Normativity: Standards documents, Wikipedia <https://en.wikipedia.org/wiki/Normativity#Standards_documents> [<https://perma.cc/MQ3G-SXA4>].
10. Timeline of Developing the ISO Plain Language Standard <<https://docs.google.com/document/d/10vfm155yXnikMCJwp9NIDtdOpLcfXX5RyeVf4ZpHzjg/edit>> [<https://perma.cc/8TJS-HK95>].
11. How You Can Be Involved in Developing the ISO Standard, Int'l Plain Language Federation <<http://www.iplfederation.org/how-you-can-be-involved-in-developing-the-iso-standard/>> [<https://perma.cc/UR74-GCNQ>].
12. Law and requirements, Plain Language Action and Information Network (PLAIN) <<https://www.plainlanguage.gov/law/>> [<https://perma.cc/2E4P-UMYD>].
13. Closing remarks by the author at 2010 Clarity conference, Lisbon, Portugal, available at <<https://www.youtube.com/watch?v=P5MThn4OYWg>>.
14. "Plain Language Is a Civil Right," virtual event hosted by Access for All, May 11–13, 2021 <<https://www.accessforallconference.com/>> [<https://perma.cc/925V-L42Y>].
15. Happy 10th Anniversary Plain Writing Act, Plain Language Action and Information Network (PLAIN) (October 12, 2020) <<https://centerforplainlanguage.org/happy-10th-anniversary-plain-writing-act/>> [<https://perma.cc/HEV7-TX84>].

MEMBER ANNOUNCEMENTS

When your office has something to celebrate, let the Michigan legal community know about it with a member announcement in the *Bar Journal* and michbar.org/newsandmoves for one month.

- Announce an office opening, relocation, or acquisition
- Welcome new hires or recognize a promotion
- Celebrate a firm award or anniversary
- Congratulate and thank a retiring colleague

Contact Stacy Ozanich for details
517-346-6315 | sozanich@michbar.org



MICHIGAN
BAR
JOURNAL

READ THE BAR
JOURNAL ONLINE!

MICHBAR.ORG/JOURNAL