

The "Clarity" Award

By the Plain English Committee

The Plain English Committee of the State Bar of Michigan has established an annual "Clarity" Award for Clear Legal Writing to recognize groups and individuals in the legal profession who are promoting plain English in the law by voluntarily eliminating legalese from their legal writing. The 1992 winner of the first annual "Clarity" Award is the State Court Administrative Office (SCAO) of the Michigan Supreme Court.

Development of SCAO Court Forms

SCAO has consistently led the way for 15 years in promoting the voluntary use of plain English in the law in Michigan. In 1977 SCAO began to develop standard court forms in plain English on letter-size paper to promote efficiency in the state court system.¹ In 1986 SCAO printed a book of almost 400 forms that had been developed to that date by SCAO's Circuit Court, District Court, Friend of the Court, Probate Court, and Juvenile Court Forms Committees.² These forms included summonses, complaints, motions, orders, judgments, dismissals, garnishment papers, landlord-tenant papers,



From left to right—George Hathaway, chair of the Plain English Committee; Marilyn Hall, State Court Administrator; Amy Byrd, forms analyst for SCAO; and Joseph Kimble, editor of the Plain Language Column for the Michigan Bar Journal.

divorce papers, and probate papers. The forms were written in plain English. They contained true legal terms of art such as "satisfaction of judgment," "removal," and "foreclosure," but generally did not contain false terms of art—legalese such as "Now Comes," "hereby," or "any and all."

Specific Examples

SCAO complaints begin with the words "I state" rather than the archaic "Now comes the plaintiff."

SCAO complaints end with the words "The plaintiff asks for a judgment of" rather than the archaic "WHEREFORE Plaintiff prays unto this honorable court."

SCAO motions use the words "I am the prosecuting attorney" rather than the archaic "Now comes the prosecuting attorney."

SCAO orders use the words "It is ordered" rather than the redundant "It is hereby ordered, adjudged and decreed."

SCAO summonses use the words "You are ordered" rather than the archaic "You are hereby commanded."

This is not to say that all the forms are perfect or perfectly clear. In some of the older forms especially, you can find "hereby" and "in the event that"

and other specimens of legalese. You can find the needless passive voice and abstract nouns that ought to be strong verbs. You can find places where the design might be improved.

The "Clarity" Award does not signify perfection. It signifies that most of the SCAO forms are a great improvement over traditional forms and that SCAO is committed to eliminating legalese as the older forms are revised over time.

Promotion of SCAO Court Forms

Development of plain English forms is not enough. The forms must be promoted by publicizing them and encouraging lawyers and legal secretaries to use them. SCAO has done this very successfully by making the forms easily available to all publishers in Michigan and encouraging them to reproduce and publish the forms. SCAO gives camera-ready copies of all the forms, and of any updated forms, to any publishing company that requests them. Most publishers of legal forms in Michigan have sold multiple copy-pads of the forms for the last ten years. In 1987 the Institute of Continuing Legal Education published a complete set of these forms. And each year since

"Plain Language" is a regular feature of the Michigan Bar Journal, edited by Joseph Kimble for the State Bar Plain English Committee. Assistant editor is George H. Hathaway. Through this column the Committee hopes to promote the use of plain English in the law. Want to contribute a plain English article? Contact Prof. Kimble at Thomas Cooley Law School, P.O. Box 13038, Lansing, MI 48901.

1989, West Publishing Company has published a full-size 8½-by-11-inch book of all the forms.

Use of SCAO Court Forms

Two members of the Plain English Committee, Judge Fred M. Mester of Oakland County Circuit Court and Judge Joan E. Young of Oakland County Probate Court, both agree that SCAO has significantly increased the use of plain English in lawsuit papers in Michigan by making its court forms widely available. Lawyers automatically use plain English when they use the forms or when they prepare their own papers using the language in the forms. This has helped clients and litigants, who are directly affected by the pleadings and orders, to better understand their situations. For example, SCAO's probate court forms provide a nearly complete set of plain English petitions and orders that family members can usually understand. James P. Ryan, a member of the Plain English Committee and past chair of the Family Law Section, says that another example is the growing number of SCAO forms designed for use by Friend of the Court personnel in domestic relations cases, which make up about 45% of the Circuit Court docket. According to Ryan, the use of these and other forms has introduced the public to the truism that lawsuit papers can be written in plain English.

Nominations for 1993 Award

The "Clarity" Award for Clear Legal Writing will be given each year in May, the month the *Michigan Bar Journal* began the Plain Language Column (May 1984). Nominations are now being taken for the 1993 award. Send your nominations to Clarity Award, c/o Plain Language Column, Michigan Bar Journal, 306 Townsend Street, Lansing, Michigan 48933-2083. ■

Footnotes

1. Ulrich, *Plain English in Judicial Administration*, 63 Mich B J 390 (May 1984).
2. Conley, *Michigan Court Forms: A Topical Index*, 66 Mich B J 544 (June 1987).

Pro Bono HONOR ROLL

In January, 1991, State Bar President James K. Robinson encouraged law firms and corporations to endorse the voluntary State Bar Pro Bono Standard adopted by the Representative Assembly, and to adopt written Pro Bono policies for their lawyers. Each month the Journal has published the names of those firms, corporations, and organizations which adopted such policies. The list has more than doubled in size, from seventeen in January, to over forty as of August 20, 1991.

The Pro Bono Involvement Committee salutes the following firms, corporations, and organizations for publicly encouraging their lawyers to participate in important public service efforts.

Firms adopting policies since April 1, 1992 are in boldface.

Firms

Alex J. Miller
Barris, Sott, Denn & Driker
Bator & Zartarian
Blaine B. Johnson, Jr., P.C.
Blakeslee, Chambers, Peterson,
Dalrymple & Christopherson
Buesser, Buesser, Blank, Lynch,
Fryhoff & Graham
Butzel, Long
Campbell, Shaltz & Royal, P.C.
Charfoos & Christensen, P.C.
Charles P. Reisman
Clark, Klein & Beaumont
David B. Herrington
Denenberg, Tuffley, Bocan, Jamieson,
Black, Hopkins & Ewald, P.C.
Dickinson, Wright, Moon, Van Dusen
& Freeman
Dykema Gossett
Feikens, Foster, VanderMale &
DeNardis, P.C.
Fistler & Spalding, P.C.
Gabrian & Parks, P.C.
Goodman, Eden, Millender
& Bedrosian
Harris, Guenzel, Meier & Nichols
Hill Lewis
Honigman Miller Schwartz
and Cohn
J. Thomas Carroll, Jr., P.C.
John B. Payne, Jr.
Josephson & Fink
Kerr, Russell and Weber
Kitch, Saurbier, Drutchas, Wagner &
Kenney, P.C.
Lewis, White & Clay, P.C.

Marietta S. Robinson
Miller, Canfield, Paddock & Stone
Miller, Johnson, Snell & Cumiskey
Mossner, Majoros & Alexander, P.C.
Pepper, Hamilton & Scheetz
Peter Patrick, P.C.
Plunkett & Cooney, P.C.
Sachs, Num, Kates, Kadushin,
O'Hare, Helveston &
Waldman, P.C.
Stephen L. Haslett, P.C.
Vandever Garzia
Varnum, Riddering, Schmidt
& Howlett
Warner, Norcross & Judd
Willingham & Coté, P.C.

Corporations

Chrysler Corporation
Detroit Edison
Dow Corning
Ford Motor Company
General Motors Corporation
Michigan Bell

Organizations

American Corporate Counsel
Association, Michigan Chapter
Genesee County Bar Association
Grand Traverse-Leelanau-Antrim
Counties Bar Association
Macomb County Bar Association
Oakland County Bar Association
Saginaw County Bar Association
State Bar of Michigan
Washtenaw County Bar Association

Every reader is urged to initiate steps within the firm, corporate legal department, or organization with which he or she is associated leading to adoption of this policy. We ask that notice of adoption be provided to Kay Fischer, Director, Lawyers Public Service Activities, at State Bar Headquarters in Lansing, who will compile a list of firms and legal departments which have taken this action.

See the December 1990 Bar Journal at page 1259 for more information.