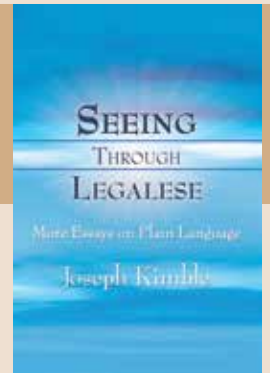


# Seeing Through Legalese: More Essays on Plain Language

By Joseph Kimble, published by Carolina Academic Press (2017),  
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Reviewed by Christopher R. Trudeau

Let me ask you this—how did you learn to draft legal documents? Did you take a class during law school? Did you attend a CLE session on best practices for drafting legal documents? Or did you learn how to draft them by pulling up a form (or a past document your firm used) and then altering it to fit your needs? Don't be ashamed if that's how you learned—many people learned the same way.

I was one of the lucky ones: I learned much of what I know about drafting from Joe Kimble, the author of this book. He's my friend and mentor, so this review is probably a little biased. But I will tell you this—much of what Joe taught me he now teaches you in the pages of *Seeing Through Legalese*. In this, Joe's third book—following *Lifting the Fog of Legalese* and *Writing for Dollars, Writing to Please*—he pulls back the curtain to let you see inside the mind of an expert legal drafter.

As the subtitle suggests, this is a collection of Joe's essays on plain language since 2006. But the subtitle doesn't do the book justice. In fact, it's not just the essays themselves that make it worth buying; it's the deep insight into how an expert drafter thinks that makes this book priceless.

It is, in other words, so much more than a run-of-the-mill how-to book. Yes, it includes loads of tips that will make you a better drafter. But Joe is also willing to put himself on the line by showing you actual examples of how he's redrafted federal court rules and other legal documents. That's something that many authors are afraid to do, and it's understandable because it opens them up to criticism. But Joe puts his redrafting and editing choices out there for the world to see—complete with detailed annotations and explanations of why he made them.

There's one essay that is probably unlike any other that you have ever read—"A Study in Editing." It shows the line-by-line edits that Joe made to an article published in *The Scribes Journal of Legal Writing*. (He was the editor in chief at the time.) Joe is an amazing editor. He's edited my work many times, and he's always made it better. You'll see those skills in this essay. I've made it required reading for my legal-writing and drafting students. We discuss as a class why a certain edit was made, an exercise that usually creates many "aha" moments about the different mind-set that editing requires. *Seeing Through Legalese*, if you attend to it carefully, is bound to make you a better editor and a better writer.

Let me digress for a moment. I have a confession to make. I compulsively check signs for grammar and clarity. If you're like me, you'll love the book. Joe is one of us. In one essay, he uses a sign common at Michigan gas stations to show that the law does not require the wordy, traditional language that those signs use. It's a master class in artfully deconstructing the myth that the law requires legalese. And if you ever wanted to know how to handle naysayers of plain language, Joe forcefully shows you how to combat their criticisms in two other essays.

Those who follow Joe's Plain Language column in the *Michigan Bar Journal* know that he is not afraid to air his opinions—and that's also true in this book. Some parts are controversial. For example, in one essay, Joe suggests giving a writing-performance test to potential new law hires, and he suggests how this might be accomplished. While some law firms have given such tests, they are not very common. In any case, I'm sure advocating for these tests won't win him any favor among new lawyers looking for a job.

But again, Joe lives and breathes clear legal writing. Clarity is part of everything he does. It is evident in the prose in this book.

It is also evident in another controversial essay—dealing with what I affectionately call "the citation issue." Where should we put the citations in legal documents? Should they go in footnotes or in the body? With support from empirical testing in the Plain Language column itself, Joe advocates putting legal citations in footnotes so that they do not clutter the text and distract the reader. This makes sense. It emphasizes clarity of message over reference numbers. But many lawyers and judges disagree with this view, and I am torn on the issue myself. What I appreciate is Joe's addressing the arguments for and against it even while advocating for his position. It's that candor and care—together with the incisive prose—that make this book a gem.

All in all, *Seeing Through Legalese* addresses so many issues about plain language—from wording to editing to citing—that it is worth its weight in gold. Will it help you become a clearer drafter? No doubt. But it will also help you become a better, more strategic thinker about legal drafting. That's something that most books do not even try to do, yet this one expertly accomplishes it. ■

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