

# Plain Language

## Warning — Legal Size Paper may Transmit AILS

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### The News Story

DETROIT, April 1, 1986 — Medical researchers at Detroit's Henry Aldrich Hospital reported today that they believe the deadly AILS (Acquired Immune Legalese Syndrome) virus may be transmitted by 8½ by 13 inch paper, commonly known as legal size paper.

Detroit Mayor Younger immediately announced that he would seek a preliminary injunction against production, sale or use of 8½ by 13 inch paper in the metropolitan Detroit area. Oakland County Prosecutor L. Mad Hattersson said he agreed 100 percent with Mayor Younger and would seek

the death penalty for anyone convicted of possessing more than three sheets of the deadly paper.

Michigan Attorney General Frank Kallus said his office had begun an investigation to see if any Michigan utilities were involved with 8½ by 13 inch paper. Howard Simple, Executive Director of the Michigan Civic Liberties Union, said that his organization would oppose Mayor Younger's injunction, and has filed an amicus curiae brief on behalf of users of 8½ by 13 inch paper.

Simple said that everyone has a constitutional right to use any size paper they choose, guaranteed under the due process, equal protection,

right of privacy and right to bare arms provisions of the U.S. Constitution.

Simple said that the ACLU would seek a compromise involving a notice printed on the bottom of each page of 8½ by 13 inch paper: "Warning — the Solicitor General has determined that using 8½ by 13 inch paper may be hazardous to your health."

Legal size paper is reported to have been introduced to North America from Holland in 1620 by a boatload of English refugees who entered the country through the port of Plymouth, Massachusetts. Since then the kingsize paper has spread to every law office on the continent.



### The Story Behind the Story

"Beautiful," said Jenkins, "absolutely beautiful. But now that you've made up this completely preposterous April Fool news story, what do you plan to do with it?"

"I'm going to spread it to all practicing lawyers in Michigan," I replied.

"Then I have just two questions," he snapped. "Why and How?"

### Why

"Why is easy," I answered. "It's obvious that 8½ by 11 inch paper should be used for all legal work, and 8½ by 13 inch paper should be abolished. A standard size 8½ by 11 is more practical and efficient for everyone who handles legal papers. All federal courts now require 8½ by 11 inch paper. The State Court Administrator's Office and a host of organizations of legal secretaries, legal administrators and document handlers all endorse the 8½ by 11 inch standard.

"For years, legal establishment leaders have been urging practicing lawyers to write in plain English. Use of standard 8½ by 11 inch paper is one of the principles of plain English. But practicing lawyers follow only that which they choose to follow of what their leadership recommends.

"So what do we still see in Michigan courts? Of 165 circuit and district courts in Michigan, 164 will accept 8½ by 11 inch paper. But many of Michigan's practicing lawyers cling stubbornly to 8½ by 13 inch paper. They won't use 8½ by 11 inch paper until they are required to do so by a Michigan rule, patterned after the federal rule.

"The obvious solution is for the Michigan Supreme Court to adopt such a rule. But although the Court has considered the topic several times, it has not yet passed such a rule. Anyway, it's obvious that the methods the legal establishment has been using to encourage practicing lawyers to write voluntarily in plain English have not been effective. So we need a new approach.

"To create this approach we must think like a lawyer. The most effective lawyers are always testing the outer bounds of the law and of decency. They don't use logic, they use experience. For example, if you can't convince people with logic, then baffle them with B.S. (Bilious Spiel).

"So to achieve this objective, we have to do something different, something off the wall, something dirty. No more Mr. Nice Guy! It's time to take off the gloves, slip on the brass knuckles and aim for the groin.

### How

"How is easy, too. We simply publish this article, headed by the April Fool news story about 8½ by 13 inch paper transmitting a dread disease, in the *Michigan Bar Journal*."

"But when the lawyers read this article," protested Jenkins, "won't they discover that the story is fake?"

"Of course," I said, "But you must realize that the lawyers who will read this article are the good lawyers. They are the fine wines, the Chateau Lafite-Rothschilds and Pouilly-Fuisses of the profession. They already use plain English, or at least care enough to read and discuss plain English versus legalese.

"It's the others we're trying to reach — the silent minority, the Boone's Farm and Annie Green Spring types. They will never read this article. The only page in the *Bar Journal* they look at is 'Orders of Discipline,' to see if anyone they know is featured there this month. They won't know anything about this gimmick. But with a rumor concerning some hot phobia, all you really need is one person to hear about it and pass it on. It spreads like a prairie fire. So here's the plan.

### The Plan

"First, what's the hottest fear topic going around these days?"

"AILS?" replied Jenkins.

"That's right," I said. "And what's the most popular question about it?"

"How you catch it," answered Jenkins.

"Right again," I said. "Can you catch it from a toilet seat? From a doorknob? From shaking hands?"

"No," said Jenkins, "it's transmitted through body fluids. But what's the connection between 8½ by 13 inch paper and AILS?"

"Easy," I said. "Do you remember the famous experiment by the ▶

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Russian physiologist Ivan Pavlov? He rang a bell and his dogs immediately started to salivate."

"What has that to do with 8½ by 13 inch paper and lawyers?" Jenkins asked impatiently.

"Well," I said, "the reason lawyers cling stubbornly to 8½ by 13 inch paper is that only lawyers use it. You put an 8½ by 13 inch page in a lawyer's hands and s/he immediately starts to think — 'cash fee.' It also starts lawyers thinking of how important they are, and how all the common people use 8½ by 11 inch paper. In most lawyers this is an ingrained, subconscious feeling; it doesn't show. But it's there in all of them.

"Most important, the more excitable lawyers immediately start to salivate every time they grip an 8½ by 13 inch sheet of paper. They try hard to cover it up, but if you look closely you can see a thin stream of saliva dribble down their chin and drip onto the paper. And there's a rumor that some even experience a chaste orgasm merely upon seeing an 8½ by 13 inch paper within their drip circle.

"Furthermore, we know that AALS is highly contagious and can be spread in a great variety of wholly innocent ways. It's reasonable to assume that some unknown number of Michigan lawyers will contract the disorder and will sooner or later drool it onto a legal size paper. Then, Bingo! There won't be a lawyer, legal secretary, court clerk or process server that won't be exposed."

**The Objective**

"That's preposterous," said Jenkins.

"Yes, I know, but just read the papers. Many preposterous stories are going around on how AALS is transmitted. And you know what people will say? They will say 'I don't know whether its true or not but just in case, I'll avoid 8½ by 13 inch paper.' Or, they will say, 'I know the probability is only one in 100 billion that I'll catch it from legal size paper, but what IF I turn out to be that one hundred billionth chance. Far better to use 8½ by 11 inch paper than to be sorry.'"

"Do you really think this April

Fool gimmick will work?" Jenkins asked.

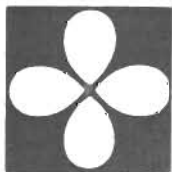
"I don't know," I said. "The only thing we can do is publish it in the *Bar Journal* and see if they start spreading it. Anything is possible. Take 'Rocky IV': After beating the Russian boxing champion, Rocky says to the Russian people who are cheering him — 'If I can change, you can change, everybody can change.'

"Well, the same is true about the traditionalists who love 8½ by 13 inch paper. They can change. But they won't — not soon. It will take time. I just hope they start using 8½ by 11 inch paper long before our grandchildren's grandchildren start watching 'Rocky MCLXXVIII.'" ■



Thomas Selden Edgerton lives and works in a large metropolitan area in the northeastern United States.

"Plain Language" is a regular feature of the *Michigan Bar Journal*, edited by George H. Hathaway, Chairperson of the State Bar Plain English Committee. Through this column the Committee hopes to promote the use of plain English in the law. Want to contribute a Plain English article? Contact Mr. Hathaway at The Detroit Edison Co., Room 688 WCB, 2000 Second Ave., Detroit, MI 48226.



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