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The Oakland Community College Legal Assistant Program is a for-credit program leading to either an associate degree or certificate. It is housed at the Orchard Ridge Campus in Farmington Hills. For further information, please call the Legal Assistant Program office, (810) 471-6339.

Figure 3

A bill to amend chapter 14 of the Revised Statutes of 1846, entitled "Of county officers," as amended, being sections 55.107 to 55.117 of the Michigan Compiled Laws, by adding section 112a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Chapter 14 of the Revised Statutes of 1846, as amended, being sections 55.107 to 55.117 of the Michigan Compiled Laws, is amended by adding section 112a to read as follows:

SECTION 112A

(1) *Notaries Public may use any notary form set forth in this section. The notary forms set forth in this section shall be known as plain English notary forms and may be referred to by that name. Any notary form set forth in this section shall be considered sufficient to accomplish its stated purpose under any law of this state. This section shall not be considered to preclude the use of other notary forms.*

(2) *An affidavit or sworn statement may be substantially in the following form:*

SWORN STATEMENT OF MARY DOE

I, Mary Doe, (explanation of who Mary Doe is, followed by statements of fact made by Mary Doe.)

(Signature of Mary Doe)

Signed and sworn to before me in _____ County, Michigan, on _____, 1994.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(3) *An acknowledgement for an individual acting in his or her own behalf may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(4) *An acknowledgement for a Co-Partnership may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe, Partner of X Partnership, a Michigan Co-Partnership, for the Co-Partnership.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(5) *An acknowledgement for a Limited Partnership may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe, General Partner of X Partnership, a Michigan Limited Partnership, for the Limited Partnership.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(6) *An acknowledgement for a Corporation may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe, President of X Company, a Michigan Corporation, for the Corporation.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(7) *An acknowledgement for a Limited Liability Company may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe, Member of X Company, a Michigan Limited Liability Company, for the Company.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(8) *An acknowledgement for a Public Officer may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe, Director of the Michigan Department of X.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(9) *An acknowledgement for a Trustee may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe, Trustee of the X Trust.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

(10) *An acknowledgement for a Personal Representative may be substantially in the following form:*

Acknowledged before me in _____ County, Michigan, on _____, 1994 by Mary Doe, Personal Representative of the estate of John Doe.

Notary's Stamp _____ Notary's Signature _____
(Notary's Name, County, and Date Commission Expires)

unsatisfactory way. Nine preferred Figure 2. One thought neither Figure was clear. Individual comments were:

- I can understand both, but Figure 2 is easier to read, is more understandable, is more clear, is more concise, and gives the same information as Figure 1.

- Figure 1 is antiquated gobbledygook; Figure 2 is clear and straightforward.

- Figure 1 is intimidating and confusing, and requires additional time for the average layperson to read and understand due to legalese.

- I prefer Figure 2, but I would like a plain English form of the statement "Jane Doe, being first duly sworn, deposes, and says" added. This seems to make the statement more official.

Conclusion

Affidavits contain some of the worst legalese written in Michigan. These affidavits should be called "sworn statements" and should use a clear, direct, plain English format. Lawyers, legal assistants, and legal secretaries can prepare sworn statements as in Figure 2 right now. These plain English sworn statements are just as valid as legalese-filled affidavits. Nevertheless, to promote the use of plain English sworn statements, we have written a proposed amendment to the Notaries Act. See Figure 3. This amendment does not abolish old forms or prescribe mandatory new forms. It simply provides statutory authority for the voluntary use of plain English sworn-statement forms. It also provides statutory authority for voluntary use of plain English acknowledgement forms that we discussed in a previous column.² Representative Nick Ciaramitaro introduced this Bill into the Michigan House of Representatives in September 1995. ■

George Hathaway is a senior real estate attorney at the Detroit Edison Company. Perry Bullard is a former Michigan state representative. Nick Ciaramitaro and Karen Willard are members of the Michigan House of Representatives.

Footnotes

1. This is exactly what is done in the Michigan Construction Lien Act. Section 110 of the Act (MCL 570.1110; MSA 26.316(110)) prescribes a form for an affidavit called a "sworn statement."
2. Hathaway, *Plain English Acknowledgement Forms*, 70 Mich B J 338 (1991).

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- Clinical neuropsychological evaluations & examinations, records review, reports, oral opinions, rehabilitation & trial strategies
- Former plaintiff's personal injury co-counsel for Melvin M. Belli, Sr.
- Former defense counsel for more than a dozen insurance companies & syndicates, including Lloyds of London
- Expert witness for neuropsychology/psychology malpractice, plaintiff or defense
- Depositions, trial testimony, arbitrations

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