PLAIN LANGUAGE

Another pox on *prior to*

BY JOSEPH KIMBLE

I poxed this useless phrase decades ago. Now I'm re-poxing. It continues to run rampant.

REFERENCES:

Theodore M. Bernstein, *The Careful Writer* 346 (Atheneum, 1972): *Prior to* is a "faddish affectation for *before*. Would you say *posterior to* in place of *after*?"

Peter Butt, *Modern Legal Drafting* 242 (Cambridge University Press, 3d ed, 2013): Do not use *prior to*. Use *before* [in a list of "verbose forms"].

Roy H. Copperud, *American Usage and Style: The Consensus* 305 (Van Nostrand Reinhold Co, 1980): *Prior to* is "pompous in the sense *before*."

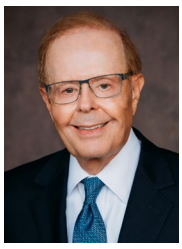
Martin Cutts, *Oxford Guide to Plain English* 148 (Oxford University Press, 5th ed, 2020): "This pompous way of saying *before* tends to produce verb-free constructions: '*Prior to* the abandonment of the mine by the company' instead of '*Before* the company abandoned the mine.'"



Bryan A. Garner, *A Dictionary of Modern Legal Usage* 708 (Oxford University Press, 3d ed, 2011): "*Prior to* is a terribly overworked lawyerism. Only in rare contexts is it not much inferior to *before*."

Sir Ernest Gowers, *Plain Words: A Guide to the Use of English* 200 (Penguin Books, Rebecca Gowers, rev ed, 2015): "There is no good reason to use *prior to* as a preposition instead of *before*. *Before* is simpler, better known and more natural, and therefore preferable."

Joseph Kimble, *A Modest Wish List for Legal Writing*, 79 Mich B J 1574, 1577 (2000): "*Prior to* takes the booby prize for the most common inflated phrase in legal and official writing. Why would anyone prefer it to *before*? Try to think of a single literary title or line that uses *prior to* . . . . By itself, *prior to* may seem insignificant. But it often leads to clumsy, indirect constructions . . . . More important, a fondness for *prior to* may indicate a fondness for jargon—and a blind resistance to using plain words. That resistance, that cast of mind, is in large part responsible for the state of legal writing."



Joseph Kimble taught legal writing for 30 years at Cooley Law School. His fourth book, *Essentials for Drafting Clear Legal Rules* (with Bryan Garner), won a 2026 Burton Award for Book of the Year on Legal Writing. He is a senior editor of *The Scribes Journal of Legal Writing*, editor of the Redlines column in *Judicature*, and a drafting consultant on all federal court rules. He led the work of redrafting the Federal Rules of Civil Procedure, Federal Rules of Evidence, and Michigan Rules of Evidence. In 2023, he won a Roberts P. Hudson Award from the State Bar of Michigan.

"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 42 years. To contribute an article, contact Prof. Kimble at 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.