I write this article—and offer the list below—with some trepidation. I will be accused of promoting baby talk, of constricting and dumbing down the language, of denying writers their expressive voice, and of corrupting legal discourse. That’s the fate of anyone who believes that lawyers should write in a plainer style.

I have tried to address these false charges—these myths about plain language—in other articles.¹ For now, I’ll settle for just a few reminders about my list.

First, it deals with the choice of words. And vocabulary is just one part of plain language. Plain language, rightly understood, involves all the techniques for clear communication: planning the document, designing it, organizing it, constructing sentences, choosing words, and testing mass documents on typical readers.

Second, plain language has nothing against expressiveness in the right place, like a persuasive brief. But there is little room for literary flair in statutes, rules, contracts, wills and trusts, forms, and most pleadings. Besides, the words on the left below, under “Instead of,” are not so fresh or forceful that they might create a pleasing effect.

Third, some of those words are more stodgy than others, and we could argue about where each one falls along the line from “not so bad” to “never use.” (I’d rather take a kick in the shins than use cognizant of or requisite or utilize, for instance.) Every writer has to make these choices, always with the audience and context in mind.

Fourth, the choice of words may depend on more than just simplicity. It may depend on the rhythm or sound of the sentence. And, of course, the choice may depend on precision. By all means, use the longer, less familiar word if you think it’s more precise or accurate. When in doubt, check a book on usage or a dictionary that discriminates between synonyms.²

Finally, your readers will not notice an occasional big word. But they will notice—even unconsciously—a tendency toward inflated diction, and they will not be impressed or persuaded.

The great H.W. Fowler got it right almost 100 years ago:

1. Prefer the familiar word to the far-fetched.
2. Prefer the concrete word to the abstraction.
3. Prefer the short word to the long.
4. Prefer the Saxon word to the Romance.

In my high-school English class (before English became “Language Arts”), we had to learn ten vocabulary words each week. It occurred to me that I might be rewarded for sprinkling these words like salt on my papers. So in one essay, I did just that. When it came back, there were two words on the cover: “turgid, inflated.” Grade: C –.

Remember what Fowler said. And remember what George Bernard Shaw said: “In literature the ambition of a novice is to acquire the literary language; the struggle of the adept is get rid of it.”⁴

Instead of…

<table>
<thead>
<tr>
<th>Consider</th>
<th>Instead of…</th>
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<tbody>
<tr>
<td>accede to grant, allow</td>
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<tr>
<td>accompany go with</td>
<td></td>
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<tr>
<td>accomplish do, achieve</td>
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</tbody>
</table>

“Plain Language” is a regular feature of the Michigan Bar Journal, edited by Joseph Kimble for the State Bar’s Plain English Committee. The assistant editor is George Hathaway, chair of the committee. The committee seeks to improve the clarity of legal writing and the public opinion of lawyers by eliminating legalese. Want to contribute a plain English article? Contact Prof. Kimble at Thomas Cooley Law School, P.O. Box 13038, Lansing, MI 48901. For information about the Plain English Committee, see our website—www.michbar.org/committees/penglish/ pengcom.html.

Consider

so, therefore

gather, get, have

more, added, other

and, also

close to, near, next to

manage

useful, helpful

tell, recommend

give

total

give, divide, set aside

change

other, other choice

expect

attach

tell, inform

about, almost, roughly

find out, learn, determine

help

reach, become

try

twice a year

work out, figure

kind, class, group

end, stop

aware of, know

begin, start

promise

write, tell, talk

pay, payment

finish, fill out

follow, meet

part

consist of, contain

hide

idea

about, on, for

agree

result

so, therefore

combine, join
<table>
<thead>
<tr>
<th>Instead of...</th>
<th>Consider</th>
<th>Instead of...</th>
<th>Consider</th>
<th>Instead of...</th>
<th>Consider</th>
</tr>
</thead>
<tbody>
<tr>
<td>constitute</td>
<td>make up</td>
<td>indicate</td>
<td>say, show, suggest</td>
<td>objective</td>
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<td>construct</td>
<td>build, make</td>
<td>indication</td>
<td>sgn</td>
<td>goal, aim</td>
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<td>contiguous to</td>
<td>next, bordering on</td>
<td>individual</td>
<td>person</td>
<td>bind, compel,</td>
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<td>currently</td>
<td>now (or cut it)</td>
<td>on</td>
<td>tell</td>
<td>require</td>
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<td>customary</td>
<td>usual</td>
<td>inform</td>
<td>first</td>
<td>debt, duty,</td>
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<td>decrease (verb)</td>
<td>reduce, lower</td>
<td>initial</td>
<td>begin, start, set up</td>
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<td>defer</td>
<td>consider, think, as</td>
<td>initiate</td>
<td>ask</td>
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<td>demise</td>
<td>delay, put off</td>
<td>inquire</td>
<td>begin, start, set up</td>
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<td>demonstrate</td>
<td>show, prove</td>
<td>institute</td>
<td>question</td>
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<td>depart</td>
<td>go, leave</td>
<td>interrogate</td>
<td>find, place</td>
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<td>designate</td>
<td>appoint, name, set</td>
<td>locate</td>
<td>size</td>
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<td>desist</td>
<td>wish, want</td>
<td>magnitude</td>
<td>keep, continue,</td>
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<td>detain</td>
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<td>most, largest,</td>
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<td>stop</td>
<td>modification</td>
<td>greatest</td>
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<td>disseminate</td>
<td>send out, distribute</td>
<td>modify</td>
<td>change</td>
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<td>donate</td>
<td>give</td>
<td>necessitate</td>
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<td>duration</td>
<td>time, rest</td>
<td>necessity</td>
<td>require</td>
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<td>effectuate</td>
<td>carry out, bring</td>
<td>notification</td>
<td>need, requirement</td>
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<td>elapse</td>
<td>about, pass</td>
<td>notwithstanding</td>
<td>notice</td>
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<td>elucidate</td>
<td>explain, clarify</td>
<td>numerous</td>
<td>despite</td>
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<td>employ</td>
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<td>employment</td>
<td>work, job</td>
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<td>endeavor (verb)</td>
<td>try</td>
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<td>ensure</td>
<td>make sure</td>
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<td>has a right to</td>
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<td>enumerate</td>
<td>list, name</td>
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<td>equivalent</td>
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<td>have, show</td>
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<td>expedite</td>
<td>hasten, speed up</td>
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<td>make easier, help</td>
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<td>following (preposition)</td>
<td>after</td>
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<td>formulate</td>
<td>work out, devise</td>
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<td>send</td>
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<td>give, provide</td>
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<td>hence</td>
<td>so, therefore</td>
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<td>however</td>
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<td>affect, influence</td>
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<td>implement</td>
<td>carry out, begin,</td>
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<td>inception</td>
<td>start, beginning</td>
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</tbody>
</table>
Instead of...
possess
preclude
preferable
premises
prescribed
present (verb)
previous
previously
principal
prior
proceed
procure
promulgate
provide
provided that
purchase (verb)
pursuant to
receive
regarding
reimburse
remainder
render
represents
Consider
have, own
prevent
best, better, preferred
place, property
set, required
give
earlier, last, past
before, earlier
main, chief
earlier
go, go ahead
buy, get
make, issue, pass
give, send
if, but
buy
under
get
about, on, for
repay, pay back
rest
make, give
is, makes up, stands for
Instead of...
request (verb)
requisite (adjective)
reside
respond
responsible for
retain
selection
semiannually
similar to
solely
specified
submit
subsequent
sufficient
summon
terminate
thus
transmit
transpire
utilize
visualize
Consider
ask
needed, required
live
answer, reply
causes, has charge of
keep
choice
twice a year
like
only
named, set out
send, offer
later
later, afterwards, then
enough
send for, call
end, stop
so
send
happen
use
think of, imagine

Footnotes