

The Elements of Plain Language

Originally published these guidelines in 1992, in the *Thomas M. Cooley Law Review*.¹ Although I think they hold up pretty well after ten years, I have tinkered with them recently. So here is the 2002 edition:

A. In General

1. As the starting point and at every point, design and write the document in a way that best serves the reader. Your main goal is to convey your ideas with the greatest possible clarity.
2. Resist the urge to sound formal. Relax and be natural (but not too informal). Try for the same unaffected tone you would use if you were speaking to the reader in person.
3. Omit unnecessary detail. Boil down the information to what your reader needs to know.
4. Use examples as needed to help explain the text.
5. Whenever possible, test consumer documents on a small group of typical users—and improve the documents as need be.

B. Design

1. Make a table of contents for long documents.
2. Use at least 10- to 12-point type for text, and a readable serif typeface.
3. Try to use between 50 and 70 characters a line.
4. Use ample white space in margins, between sections, and around headings and other special items.
5. Use highlighting techniques such as boldface, italics, and bullet dots. But don't overdo them, and be consistent throughout the document.

6. Avoid using all-capital letters. And avoid overusing initial capitals for common nouns (*this agreement, trust, common stock*).
7. Use diagrams, tables, and charts as needed to help explain the text.

C. Organization

1. Use short sections, or subdivide longer ones.
2. Put related material together.
3. Order the parts in a logical sequence. Normally, put the more important before the less important, the general before the specific, and the ordinary before the extraordinary.
4. Use informative headings for the main divisions and subdivisions. In consumer documents, try putting the main headings in the form of a question.
5. Minimize cross-references.
6. Minimize definitions. If you have more than a few, put them in a separate schedule or glossary at the end of the document.

(The next four items apply to analytical documents, such as briefs and memos, and to most informational documents.)

“Plain Language” is a regular feature of the *Michigan Bar Journal*, edited by Joseph Kimble for the Plain English Committee of the Bar Journal Advisory Board. The assistant editor is George Hathaway. 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.

7. Try to begin the document and the main divisions with one or two paragraphs that introduce and summarize what follows, including your answer.²
8. Use a topic sentence to summarize the main idea of each paragraph or of a series of paragraphs on the same topic.
9. Make sure that each paragraph develops the main idea through a logical sequence of sentences.
10. Use transitions to link your ideas and to introduce new ideas.

D. Sentences

1. Prefer short and medium-length sentences. As a guideline, keep the average length to about 20 words.
2. In most sentences, put the subject near the beginning; keep it short and concrete; make it something the reader already knows about; and make it the agent of the action in the verb.
3. Put the central action in strong verbs, not in abstract nouns. (“If the seller delivers the goods late, the buyer may cancel the contract.” Not: “Late delivery of the goods may result in cancellation of the contract.”)
4. Keep the subject near the verb, and the verb near the object (or complement). Avoid intrusive phrases and clauses.
5. Try to put the main subject and verb toward the beginning; don't pile up conditions or qualifiers before the main clause.
6. Put the strongest point, your most important information, at the end—where the emphasis falls.
7. Prefer the active voice. Use the passive voice if the agent is unknown or unimportant.

Or use it if, for continuity, you want to focus attention on the object of the action instead of the agent. (“No more legalese. It has been ridiculed long enough.”)

8. Connect modifying words to what they modify. Be especially careful with a series: make clear whether the modifier applies to one or more than one item. (Examples of ambiguity: “educational institutions or corporations”; “a felony or misdemeanor involving dishonesty.”)
9. Use parallel structure for parallel ideas. Consider using a list if the items are at all complicated, as when you have multiple conditions, consequences, or rules. And put the list at the end of the sentence.

E. Words

1. Prefer familiar words—usually the shorter ones—that are simple and direct and human.³
2. Avoid legal jargon: stuffy old formalisms (*Now comes; In witness whereof*); *here-, there-,* and *where-* words (*hereby, therein, wherefore*); unnecessary Latin (*arguendo, inter alia*); and all the rest (*and/or, provided that, pursuant to, the instant case*).⁴
3. Avoid doublets and triplets (*any and all; give, devise, and bequeath*).
4. In consumer documents, explain technical terms that you cannot avoid using.
5. Omit unnecessary words.
6. Replace wordy phrases (*prior to, with regard to, in the event that*).⁵
7. Give *shall* the boot; use *must* instead.
8. In consumer documents, consider making the consumer “you.”
9. Avoid multiple negatives.
10. Be consistent; use the same term for the same thing, without thinking twice. ◆



Joseph Kimble, a professor at Thomas Cooley Law School, has published many articles on legal writing. Besides editing this column, he is the editor in chief of The Scribes Journal of Legal Writing, the U.S. representative for Clarity (the international plain-language organization), and the drafting consultant to the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

FOOTNOTES

(Articles are by the author.)

1. *Plain English: A Charter for Plain Writing*, 9 T.M. Cooley L. Rev. 1, 11–14 (1992).
2. See *First Things First: The Lost Art of Summarizing*, Court Rev., Summer 2001, at 30.
3. See *Plain Words* (Part One), Mich. B.J., Aug. 2001, at 72.
4. See *Plain Words* (Part Two), Mich. B.J., Sept. 2001, at 72, 73.
5. See *id.* at 72.