By George H. Hathaway

The goal of the Subcommittee on Estate Planning is to promote plain English in estate-planning documents written in the practice of law. To do this, the subcommittee finds and gives Clarity Awards to clearly written durable powers of attorney, wills, and trusts. See Figure 1 for a list of Clarity Awards that we have previously given, and a Want List for future awards.

We want to bridge the gap between the educational materials on plain English at Wayne State and Cooley Law Schools and the durable powers of attorney, wills, and trusts that are written in the practice of law. We think we can do it with the following approach.

Michigan Activities

Estate-planning documents are private documents. They are not public documents like laws, lawsuit papers, and many types of contracts and real-estate documents. Furthermore, there is often a long time delay from when estate-planning documents are written to when they are used. Therefore, there is no practical way that we can sample the clarity of actual durable powers of attorney, wills, and trusts. But we can sample the next best thing—estate-planning forms and formbooks. They are written by estate-planning lawyers and contain general forms for the various types of estate-planning documents. For example, the Estate Planning Forms Book of Comerica Bank contains forms for durable powers of attorney, simple wills, pour-over wills, self-trustee trust, bank-trustee trust, joint trust, irrevocable life-insurance trust, and trust dispositive alternatives. Practitioners start with the forms and (a) fill in the blanks with specific names, dates, and dollars and (b) make changes to the form language whenever needed.

We want to make a list of the 10 most widely used estate-planning forms and formbooks in Michigan. Then we want to publicize and promote the forms that are written in plain English. In 1995 we gave a Clarity Award to Comerica Bank for its plain-English durable power of attorney form (Figure 2) and will form (Figure 3). These forms prove that estate-planning forms can be written in plain English. If all forms and formbooks are written in plain English, then there is a good possibility that more and more estate-planning documents that are written in the practice of law will be in plain English.

Other States and Countries

Much of the activity in the plain-English movement in the last 20 years has been in educational material written by plain-English advocates. This activity is important, but we are interested in the practical result of this educational material—legal documents written in the practice of law.

<table>
<thead>
<tr>
<th>Estate Planning</th>
<th>Clarity Awards</th>
<th>Want List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Document</td>
<td>(Year) and Document</td>
<td>Written By</td>
</tr>
<tr>
<td>1. (for property distribution) Durable power of attorney, wills, and trusts</td>
<td>(95) Durable power of attorney and will forms of Comerica Bank</td>
<td>Love, Dindolfer</td>
</tr>
<tr>
<td>2. (for health care) Durable power of attorney, and living will</td>
<td>(95) Durable power for health-care decision-making (patient-advocate form)</td>
<td>Benner, Cook</td>
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<tr>
<td></td>
<td>(95) Changes and Choices</td>
<td>Geller</td>
</tr>
<tr>
<td></td>
<td></td>
<td>We want to find Clarity Award documents written according to Mellinkoff, Legal Writing: Sense and Nonsense, and Wydick, Plain English for Lawyers, from the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. First Chicago NBD Bank estate planning forms book</td>
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<td></td>
<td></td>
<td>2. Comerica Bank Estate Planning Forms Book</td>
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<td></td>
<td></td>
<td>4. Old Kent Bank</td>
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<td></td>
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<td>5. Franklin Bank</td>
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<td></td>
<td></td>
<td>6. Huntington Bank</td>
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<td></td>
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<td>7. First of America Bank</td>
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<td></td>
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<td>8. Republic Bancorp</td>
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<tr>
<td></td>
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<td>9. Standard Federal</td>
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<td></td>
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<td>10. First Federal of Michigan</td>
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<td></td>
<td></td>
<td>11. National Network of Estate Planning Attorneys forms manual</td>
</tr>
</tbody>
</table>
Figure 2. General Durable Power of Attorney (An Excerpt)

I, __________, of __________, __________ County, Michigan, make this General Durable Power of Attorney ("Power"), and appoint __________, of __________, Michigan, as my attorney-in-fact ("Agent") with the following powers to be exercised in my name and for my benefit:

1. General Grant of Power
   To do anything that I have a right or duty to do, now or in the future.

2. Real and Personal Property
   To maintain, transfer, encumber, and manage any of my real property and personal property interest.

3. Motor Vehicles
   To transfer the title of any of my motor vehicles.

4. Business
   To collect money and manage my real and personal property, to transact business for me, to conduct any business in which I may be engaged, and to carry out or amend any agreement to which I may be a party.

5. Borrow
   To borrow money and sign promissory notes that are either unsecured or secured by any of my real or personal property.

6. Debts and Expenses
   To pay bills and other debts and all reasonable expenses for the management of my property and the support of myself and my dependents, including reasonable compensation for the services of my Agent and agents my Agent may employ in the management of any of my affairs.

7. Banking
   To carry on all my ordinary banking business by depositing funds (by check or other negotiable paper) and withdrawing funds (by check or withdrawal slip) in and from any bank, savings and loan, or other financial institution.

8. Safe Deposit Box
   To access, or to withdraw or change the contents of, any safe deposit box of which I am tenant or co-tenant.

Therefore, in our previous articles about our other four subcommittees, we identified sample populations with which we could compare the clarity of legal documents. We identified the two largest states and English speaking provinces in the U.S., Australia, and Canada. Now we want to identify organized groups of plain-English advocates in these states and provinces who write and promote plain-English documents in the practice of law.

There are no organized groups of plain-English advocates in New York, California, or Ontario, but there are organized groups in British Columbia, New South Wales, and Victoria. In Vancouver, British Columbia, there is a group of legal-writing consultants called The Precedents Group Consultants, which publishes Rapport, a newsletter about plain language, edited by Cheryl Stephens. In Sydney, New South Wales, there are the law firms of Mallesons Stephen Jaques (Edward Kerr and Robert Eagleson), and Phillips Fox (Christopher Balmford) that actively promote plain English.2 And in Melbourne, Victoria, there are also offices of Mallesons Stephen Jaques and Phillips Fox. We will ask these groups to send us the clearest written durable power of attorney form, will form, and trust form that they can find in their state or province. We can then compare the clarity of forms available in Michigan with the clarity of forms available in these states and provinces.

Responsibility

The success of the plain-English movement depends on two types of responsibilities—the responsibility for preparing educational material on plain English, and the responsibility for writing legal documents in plain English.

Legal-writing teachers are responsible for preparing educational material on plain English such as textbooks and articles. It's their job, and they do it well. This material includes general guidelines for preparing legal documents in plain English.
### Lawyers and Judges Alcoholics Anonymous and Narcotics Anonymous

#### MEETING DIRECTORY

The following list of meetings reflects the latest information about lawyers and judges AA and NA meetings. Those meetings marked with "*" are meetings that have been designated for lawyers, judges and law students only. All other meetings are attended primarily by lawyers, judges and law students, but also are attended by others seeking recovery. In addition, we have listed “Suggested Meetings” which others in recovery have recommended as being good meetings for those in the legal profession.

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Location</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>12:00 PM</td>
<td>St. Joseph Hospital East Bailey Room A Parkview and North Streets Mt. Clemens</td>
<td>Mt. Clemens</td>
</tr>
<tr>
<td>Monday</td>
<td>12:15 PM</td>
<td>St. Philip’s Center 112 Capital Ave. N.E.</td>
<td>Battle Creek</td>
</tr>
<tr>
<td>Monday</td>
<td>12:30 PM</td>
<td>Detroit Bar Association Conference Room 14th Floor, Buhl Bldg.</td>
<td>Detroit</td>
</tr>
<tr>
<td>Monday</td>
<td>6:30 PM</td>
<td>Freeland United Methodist Church 205 E. Washington (Across from post office)</td>
<td>Freeland</td>
</tr>
<tr>
<td>*Monday</td>
<td>7:00 PM</td>
<td>Prince of Peace Lutheran Church 19100 Ford Rd. (Just west of Southfield Freeway)</td>
<td>Dearborn</td>
</tr>
<tr>
<td>*Wednesday</td>
<td>6:00 PM</td>
<td>Kirk In The Hills Presbyterian Church 1340 W. Long Lake Rd. (1/2 mile west of Telegraph)</td>
<td>Dearborn</td>
</tr>
<tr>
<td>*Wednesday</td>
<td>6:00 PM</td>
<td>Unitarian Church 2474 S. Ballenger Rd. Lower Level, Room 2C (1 block south of Miller Rd.)</td>
<td>Flint</td>
</tr>
<tr>
<td>Wednesday</td>
<td>6:00 PM</td>
<td>Central Methodist Church 2nd Floor Corner of Capitol and Ottawa Streets</td>
<td>Lansing</td>
</tr>
<tr>
<td>Thursday</td>
<td>8:00 PM</td>
<td>Cooley Law School Blair Room (1st Floor) 217 S. Capitol</td>
<td>Lansing</td>
</tr>
<tr>
<td>Wednesday</td>
<td>6:30 PM</td>
<td>Alano Club 601 Michigan Ave. Gladstone</td>
<td>Lansing</td>
</tr>
<tr>
<td>Thursday</td>
<td>8:00 PM</td>
<td>Alano Club 1390 Quartz Rd. Bloomfield Hills</td>
<td></td>
</tr>
<tr>
<td>Friday</td>
<td>8:00 PM</td>
<td>Rochester Presbyterian Church 1385 S. Adams (South of Avon Rd.)</td>
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### Suggested Meetings

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For other AA or NA meetings, see listings in your local phone book or call:

**Lawyers and Judges Assistance Program**

1-800-996-5522

JOIN THE Environmental Law Section of the State Bar of Michigan

Consider the advantages:

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- Conferences and Seminars
- Opportunity for Professional Exchange Among Corporate, Private and Regulatory practitioners.

Footnotes
