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Why Lawyers Need to Learn
To Write Clearly

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"Seeing Through Legalese: More Essays on Plain Language" by Joseph Kimble; Carolann Aca

Lawyers are America's best
paid writers. All day long, they
compiling memos, briefs, contracts, letters and
emails. Writing is critical to the
work they do and want only so to
some writers. Writing is precisely
time-consuming. To avoid the hard work of thinking
and for the readers—the
only person who counts in way the language use complex
termology and sentence structure. But
and legalese detract from
reader comprehension and writer credibility.

Many factors cause lawyers to
write badly, including a limited knowledge of how to write in plain
English and a belief that readers prefer dense writing to simple,
interesting, easy-to-understand writing. The legal profession has
not always trained lawyers to
write lucidly. Most lawyers have
memories of law school, reading cases written with fanciful, vague
verbiage and complex, impenetrable
organization. These models advance the mistaken view that
clear writing should be artful
rather than helpful to readers
who read to make a decision and
who need only what will lead to a reasoned, correct
decision.

Lawyers have many tools
to help them write clearly. They can
write in everyday Anglo-Saxon
English. They can eliminate ornamen
tal, foreign and long words. They can
prefer short sentences to long ones, use topic sentences at the begin
ning of their discussion. They can
explain things only once and put
related matters all in one place. They can write concisely to avoid
contradictory statements. They can
their writing of adjectives, adverbs, prepositional phrases and
overblown intensifiers. They can
write concisely—eliminat
unnecessary, outdated and
repetitive words and phrases—
and precisely. That means placing
modifiers correctly and writing in the active voice, without qualifiers,
complex conditionals, nominalize

Joseph Kimble, a leading advo
cate of the plain-language move
ment, has just published a book
suggesting these techniques. His
book, Seeing Through Legalese:
More Essays on Plain Language,
tells readers how to transform writ
ning from convoluted and obscure
to simple and concise. Kimble, the
Distinguished Professor Emeritus
at Western Michigan University's
Cooley Law School, has already
published dozens of articles and
two books on legal writing: Writing
the Law. Judging the Law. The Case
for Plain Language in Business,
Government and Law. He has served as draft

humerous examples to show why
plain legal writing is imperative.
He also gives personal accounts of
some lessons he learned from his
contributions to rewriting the
Federal Rules of Civil Procedure
and Federal Rules of Evidence.
His book suggests why lawyers
should consider transforming their writing
from confusing to clear. His examples show how
plain and legalese. Kimble also
shows how structuring words in
a logical and sequential format
will significantly affect a reader's
ability to understand. He pushes for
the eradication of "shall" in legal
writing because of its ambiguity
and gives four ways to
break up long sentences. To con
clude part one, he debunks some
of the prevailing myths against
writing.

In part two, Kimble gives practical advice on how to write
with clarity and to format pages favorably for the reader. He
describes how he became a pas
sionate defender of plain language
and rebuts some common objec
tions to its use in legal writing. One
objection is the belief that clients
and supervisors expect legalese,
despite the overwhelming evidence
that legalese, like other
writing, is not necessary. Kimble also
gives pragmatic tips for students writing in journals,
such as what to do with footnotes,
how to assemble sentences and
how to persuade. He dedicates one
equation to how to edit resourcefully
and another to telling employers
how to test a job candidate's writ
ning skills.

Part three compiles interviews and remarks from his acceptance
of awards for his writing and her influence in the legal profession.
In these interviews and remarks,
Kimble articulates his passion for plain English and his lifelong
dedication to eradicating legalese.
He clarifies some of his own
assumptions against legalese writing he
identifies as poor examples, such as
jury instructions and explains why
plain legal writing is essential.
He gives law students advice on
actions they can take to avoid
legalese and offers suggestions
for books and essays on legal writing.

Seeing Through Legalese: More
Essays on Plain Language is an
indispensable book for any lawyer or
legal professional who wants to
write better. Kimble offers funny
crises of triumph and dismay
in his fight for legal-writing clar
ity. His experiences and advice make
learning to write entertaining and practical.
As Kimble explains, "If you're not
determined to write clearly for
your reader in legal, government,
and business documents. It's a
great skill, and readers love it."