Victoria Law Foundation

Plain language and good communication

How to make your writing work

Joh Kirby
Victoria Law Foundation

Helping Victorians understand the law

How to make your writing work

As a lawyer being an effective communicator makes good business sense. As an effective communicator your clients are more likely to be satisfied with your work, less likely to make complaints and more likely to recommend you to their colleagues and friends. These guidelines provide the fundamental tools to achieve this.

The first tool that you will need to be an effective communicator is persistence. Like any skill the more you practice the better you will become. That means hours, months, even years of practice. Good luck!

Writing for your audience

When preparing a document, think about who is going to read it and what they know.

Ask yourself the following questions:

- Who is my audience?
- What does my audience already know about the subject?
- What does my audience need to know?
- What questions will my audience have?
- What am I trying to achieve, and what is the best way to get there?
- What does my audience want and how is the best way to get there?

If you are not sure – ask them.

Always write for just one audience.

Source: Federal Plain Language Guidelines (see website on page 15)

Organise your information

Taking care to organise your information will mean that your reader won't have to work as hard to find that they want.

- Put material in an order that makes the best sense to the reader.
- Put the main message first.
- Put closely related material together.
- Use headings rigorously and liberally.
- Omit unnecessary detail.

Logical order

Put the most important information first. Your reader wants to know the answer to their question at the beginning of a document, not at the end. Provide detail and supporting information second.

If there is a process or steps that need to be taken in a certain order, make sure the information is presented in that order, and collect all similar information in the same area.

Paragraphs

Keep sections and paragraphs short so that information is easier to find and follow.

Headings

Headings can help the reader find the information they want. Use a new heading every time you move to a new subject.

Some key points to remember with headings:

- Try to limit heading to two levels, three at the most.
- Have more space above them than below.
- Don't use numbered headings with more than one decimal space.
- Question headings can help the reader find the information they want.
- Keep your headings short and direct.

Table of contents

Tables of contents can help your reader understand the breadth of the material covered in your document, and where to find it. Consider putting a table of contents into longer documents.

Hint

Test your heading levels by creating an automatic table of contents. It is easy to see mistakes with heading levels when they are grouped together like this.

Language

Speak to your audience

Using personal pronouns allows you to speak directly to your audience. It can make your writing more engaging.

Before
To establish eligibility for a grant, an applicant must show that the applicant is an Australian and that the present housing of the applicant is substandard and inadequate.

After
To establish eligibility for a grant, you must show that you are an Australian and that your present housing is substandard and inadequate.

Use the active voice

Using the active voice makes it easier for the reader to understand who is supposed to do what.

Passive voice	Active voice
The lake was polluted by the company.	The company polluted the lake.
New regulations were proposed.	We propose new regulations.
Bonds will be withheld in cases of non-compliance with all permits and conditions.	We will withhold your bond if you don't comply with all permit terms and conditions.

Abbreviations, acronyms and similar

Use shortened versions of words with care. Abbreviations, acronyms and contractions can be confusing to the reader. This is particularly the case when the reader is unfamiliar with the subject or English is not their first language. If you do use abbreviations or contractions, be sure to define them.

Be consistent with terminology

Make sure you use the same terms consistently throughout a document.

Use familiar words – usually the shorter ones

Where possible use familiar words, and preferably shorter ones, to communicate your message. Using long words is unlikely to benefit your client. Ultimately we all want to understand what we need to as quickly and easily as possible.

Hint

See page 10 for a list of simple words.

Technical terms

Sometimes you may find it necessary to use a technical or legal term. If you do, make sure you explain it if your audience does not have legal knowledge.

Technical terms and similar to avoid

Junky lawyerisms

There is a group of words – we call them *lawyerisms* – that may look technical or specialised, but are actually not. Our best advice is to never use the words below:

above (as an adjective)	therefore	said (for the, that, or those)
above-mentioned	therein	whatsoever
aforementioned	thereof	whensoever
aforesaid	thereunto	whereat
before-mentioned	therewith	wherefore
below-mentioned	unto	wherein
foregoing	herein	whereof
forthwith	hereinafter	wheresoever
henceforth	hereinbefore	whereupon
hereafter	hereof	whosoever
hereby	heretofore	within-named
same (for it, he, she, etc.)	hereunto	witnesseth (and other verbs ending in -eth)
such (for the, that, etc.)	herewith	
thenceforth	premises (in the sense of 'matters already referred to')	
thereafter		
thereat		

Junky Latin lawyerisms

There is a subgroup of *lawyerisms* that are even more difficult to understand. Most of them are Latin, and although some Latin words have their place, the words below have no place in plain writing.

abinitio	instant case, matter, etc.	sub judice
ad idem	instanter	to sit
ad valorem	inter alia	vel non
arguendo	inter se	vitz
et al	ss	

Doublets and triplets

Never use redundant *doublets* and *triplets* that afflict legal writing. Again, they may have their modest place, but not in drafting documents. Some of the more common examples:

alter or change	for and in consideration of	ordered, adjudged, and decreed
any and all	full and complete	power and authority ready, willing and able
by and between	furnish and supply give, devise, and bequeath	rest, residue and remainder
cease and desist	keep and maintain	right, title, and interest
covenant and agree	known and described as	sole and exclusive
due and payable	last will and testament	stipulate and agree
each and every	made and provided	terms and conditions
fair and equitable	null and void	true and correct
finish and complete		

Verbs and nouns

Where possible, use a verb rather than a noun. This will make your writing more precise and active.

Noun	Verb
submit an application	apply
make a decision	decide
make a payment	pay
make allegations	allege
make a complaint	complain
make an election	choose
provide protection to	protect
take into consideration	consider
perform a search	search
enter a contract to	contract to
bears a resemblance	resembles
provide responses	respond
is of the opinion that	believes
make use of	use
modification	modify
agreement	agree
dependence	depend
improvement	Improve
establish your argumentation	argue
assists the resolution of problems	helps solve problems

Design

The way a document looks is critical to whether it is likely to be read. If something looks attractive, the reader will be more motivated to read it.

Here are some ideas on how you can improve the look of your documents

Whitespace
Allow for whitespace in your document. This will make your document easier to read and more attractive.

Font
Using the right font can make a document more readable. Rules on fonts include:

* Don't use decorative fonts. They are hard to read.
* Don't use all capitals, they are also hard to read.
* Use 10–12pt in print or 12–14pt on the web.

Bullets and numbered list
Use bullets and numbered lists for lists of information. Take care if your document contains lots of list as too many of these features can make a document difficult to read.

Including a sentence that gives context to the list can make it easier to understand.

Only use numbered lists where you need to indicate a sequence.

Tables
Use tables to help make complex information easier to understand.
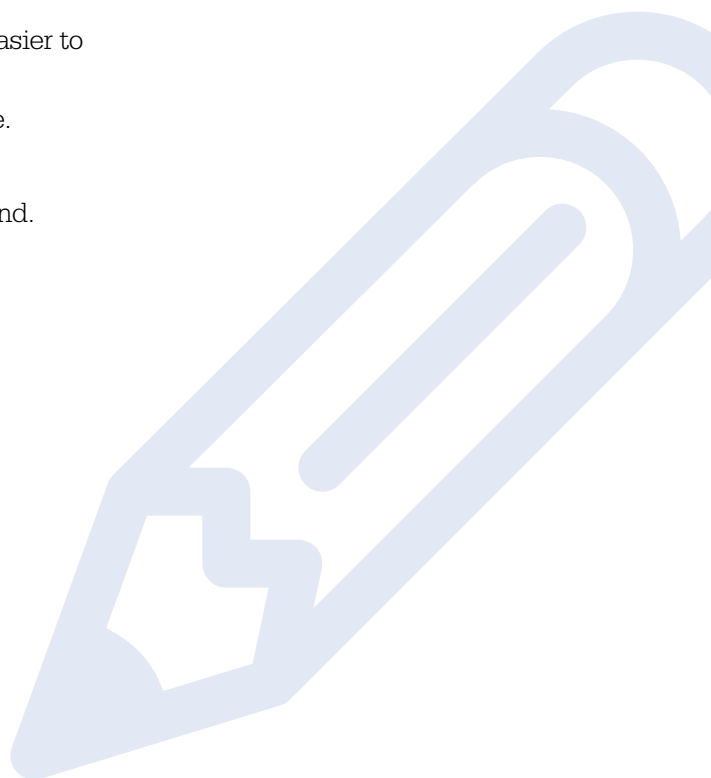
Simple words

Inflated, formal, difficult	Simpler	Inflated, formal, difficult	Simpler
accede to	grant, allow	compensation	pay, payment
accomplish	do, carry out	compete	finish, fill out
accrue	add, grow	comply with	follow
accumulate	gather, get, have	component	part
acquire	get, buy	comprise	consist of
additional	more, added, other	conceal	hide
additionally	and, also	concept	idea
adjacent to	close to, near, next to	concerning	about, on, for
administer	manage	concur	agree
advantageous	useful, helpful	consequence	result
advise	tell	consequently	so, therefore
afforded	given	constitute	make up
aggregate	total	construct	build, make
allocate	give, divide, set aside	contiguous to	next to
alter	change	currently	now (or cut it)
alteration	change	customary	usual
alternative	other, other choice	decrease (verb)	reduce
anticipate that	expect that	deem	consider, think
apprise	tell, inform	defer	delay, put off
approximately	about	demonstrate	show
ascertain	find out	depart	go, leave
assist	help	designate	appoint, name, choose
assistance	help	desire	wish, want
attain	reach, become	detain	hold
attempt (verb)	try	diminish	lessen, reduce
biannually	twice a year, every two years	discontinue	stop
calculate	work out, figure	disseminate	send out, distribute
category	kind, class, group	donate	give
cease	end, stop	duration	time, rest
cognisant of	aware of	effectuate	carry out, bring about
commence	begin, start	employ	use
commencement	beginning	employment	work, job
commitment	promise	encounter	meet, face
communicate	write, tell, talk	encourage	urge

Inflated, formal, difficult	Simpler	Inflated, formal, difficult	Simpler
endeavor (verb)	try	maintain	keep, continue, support
ensure	make sure	majority of	most
enter (on a form)	write	manner	way
entitled to	have a right to	maximum	most, largest, greatest
equivalent	equal	modification	change
evince	show	modify	change
exclude	leave out	necessitate	require
exhibit (verb)	have, show	necessity	need, requirement
expedite	hasten, speed up	notification	notice
expend	spend	numerous	many
expenditure	payment, expense	objective	goal, aim
expiration	end	obligate	bind, compel
facilitate	make easier, help	obligation	debt, duty
following (preposition)	after	observe	see, follow, obey
forthwith	now, at once	obtain	get
forward	send	occasion (verb)	cause
frequently	often	occur	happen
furnish	give, provide	opt for	choose
hence	so, therefore	optimum	best
identical	same	option	choice
illustrate	show	participate	take part
implement	carry out, begin, start, create	per annum	a year
inception	start, beginning	per year	a year
indicate	show, say	personnel	people, staff
indication	sign	portion	part
individual	person	possess	have
inform	tell	preclude	prevent
initial	first	preferable	best, better, preferred
initiate	begin, start	premises	place, property
in lieu of	instead of, rather than	prescribed	set, required
inquire	ask	principal	main, chief
institute	begin, start	present (verb)	give
locality	place	previous	earlier, last, past
locate	find	previously	before, earlier

Inflated, formal, difficult	Simpler	Notes
prior	earlier	
prior to	before	
proceed	go, go ahead	
procure	buy, get	
promulgate	make, issue, pass	
provide	give, send	
provided that	if, however	
purchase	buy	
pursuant to	under	
regarding	about, on, for	
reimburse	repay, pay back	
remainder	rest	
render	make, give	
represents	is	
request	ask	
requisite (adjective)	needed, required	
reside	live	
respond	answer, reply	
responsible for	causes	
retain	keep	
selection	choice	
semi-annually	twice a year	
similar to	like	
solely	only	
specified	named, set out	
submit	send, offer	
subsequent	later	
subsequently	later, then	
subsequent to	after	
sufficient	enough	
terminate	end, stop	
thus	so, therefore	
transit	send	
transpire	happen	
utilise	use	

(Extracted from conference presentation Joe Kimble
Drafting documents in plain language)

Notes

Notes

Useful resources and acknowledgement

Do you publish information for the community?

The **Better Information Handbook** is a free resource that tells you how to produce easy-to-understand information for the community.

This practical, step-by-step guide will help you to:

- know your audience
- reach your audience, and
- make sure your information is understood.

Download your free copy from our website
www.victorialawfoundation.org.au