

# THE PLAIN LANGUAGE MOVEMENT AND MODERN LEGAL DRAFTING

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**Abstract:** This paper aims to answer the question whether modern legal drafting is implementing the revolutionary changes argued for by the plain language movement and whether legal texts are made more user-friendly, particularly to their non-professional recipients. The paper discusses the main characteristics of modern legal drafting against the background of research conducted in 2011 and 2012 based on a broad selection of American consumer contracts. The interest centres on the successes rate of the plain language campaigners as well as the threats to their pursuit of plain legal drafting.

**Key words:** plain language, legal drafting, legal text, contract, plain legal drafting.

## JĘZYK UPROSZCZONY A JĘZYK WSPÓŁCZESNYCH UMÓW KONSUMENCKICH

**Abstrakt:** Artykuł ma na celu odpowiedzieć na pytanie, w jakim stopniu zasady plain language movement są wdrażane przez autorów tekstów prawnych i prawniczych, aby uczynić współczesny język prawniczy bardziej zrozumiałym dla przeciętnego odbiorcy, nieposiadającego wiedzy prawniczej. Artykuł przedstawia szczegółową analizę wyników badań ilościowych przeprowadzonych w 2011 i 2012 na podstawie ponad 80 autentycznych tekstów angielskich umów konsumenckich.

**Słowa kluczowe:** język uproszczony, sporządzanie dokumentów prawnych, tekst prawny, tekst prawniczy, umowa, sporządzanie dokumentów prawnych językiem uproszczonym.

## Introduction

For decades, legal language has been discussed not only by linguists but also by lawyers and legal theorists. They examined legal language not only from the perspective of the philosophy of language and logic but also text linguistics or sociolinguistics, which equipped researchers with knowledge sufficient to describe it thoroughly, concentrating not only on linguistic but also functional properties of legal language. The perception of legal language varies as Pieńkos (1999, 71) defines it as a "subsystem of ethnic language" similar to the language of experts, Gizbert-Studnicki (1986, 94) assumes that legal language may be defined as a register of language and Šarčević (1997, 9) states that there is no legal language but one should talk rather about legal languages as each and every legal system manifests its own legal language. However, the results give an input to further studies going beyond linguistics and covering such fields as psycholinguistics or sociolinguistics in order to see a legal text not only as a product but also as a linguistic tool used in communication not only within professional environment but also between professionals and laypersons. Although on the basis of legal regulations lawyers struggle

# Legal Drafting In Plain Language

**Christopher Enright**



## **Legal Drafting In Plain Language:**

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Modern Legal Drafting Peter Butt, Richard Castle, 2001-06-04 This clearly structured and well referenced book shows how and why traditional legal language has developed some of the peculiar characteristics that sometimes make legal documents inaccessible to the end users It examines recent reforms in the UK Australia New Zealand and North America and provides a critical examination of case law and the rules of interpretation Practical elements are also covered Detailed case studies illustrate how obtuse words and phrases can be reworked or removed Particularly useful is the step by step guide to drafting in the modern style using examples drawn from four types of legal documents leases company constitutions wills and conveyances Readers of this book will receive clear instructions on how to make their writing clearer and their legal documents more useful to clients and colleagues This book will benefit all law students and professionals

Legal Drafting in Plain Language Robert C. Dick, 1995 This is the third edition of Robert Dick's informative guide to drafting In this edition he emphasises that plain language in the use of legal documents is here to stay

**Contract Drafting** Lenné Eidson Espenschied, 2010 Contract Drafting Powerful Prose in Transactional Practice presents an overview of the stages in the contract process and offers a comprehensive introduction to the substantive areas addressed in transactional documents In fourteen lessons readers will learn how to work from prior documents to produce effective and complete legal documents that protect the client's interests

**The Impact of Plain Language on Legal English in the United Kingdom** Christopher Williams, 2022-08-23 This volume offers insights into the ways in which plain language has influenced the language of the law in the United Kingdom critically reflecting on its historical development and future directions The book opens with an overview of the theoretical frameworks underpinning plain language and a brief history of plain language initiatives as a foundation from which to outline ongoing debates on the opportunities and challenges of using plain language in the legal domain The volume details strands where plain language has had considerable impact thus far on legal English in the UK notably in legislative drafting but it also explores areas in which plain language has made fewer inroads such as the

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**Plain Language for Lawyers** Michele M. Asprey, 1991 Practical guide to writing in plain English written by a lawyer for lawyers Includes information on legal affectations lists of overused and problem words examples of clumsy grammatical structures a plain language vocabulary and a comprehensive index

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