

# Plain English

Chris Jensen

[www.legalwritingcoach.com](http://www.legalwritingcoach.com)

Maturity and duration management decisions are made in the context of an intermediate maturity orientation. The maturity structure of the portfolio is adjusted in the anticipation of cyclical interest rate changes, although such adjustments are not made in an effort to capture short-term, day to day movements in the market but instead are implemented in anticipation of longer term, secular shifts in the levels of interest rates (i.e., shifts transcending and/or not inherent to the business cycle). Adjustments made to shorten portfolio maturity and duration are made to limit capital losses during periods when interest rates are expected to rise.

- **The Golden Rule of Legal Writing:** Help the reader get the content quickly and easily
- Plain English = good style
- The science of good style: Good style results from eliminating bad style, sentence by sentence, by (1) cutting words and (2) simplifying sentences

## Step 1: Cut words/syllables

First draft: Additionally, we would like to let you know that we have already made contact with the Ministry of Construction seeking clarification with respect to this issue, but at the present moment we have not been provided with their answer. (39 words / 62 syllables)

Edit: ~~Additionally, we would like to let you know that we have already made contact with the Ministry of Construction seeking clarification with respect to this issue, but at the present moment we have not been provided with their answer.~~

We have asked the Ministry of Construction to clarify this issue but have not received an answer. (17 words / 26 syllables)

1. Furthermore, the provisions of the aforementioned Section 9 shall also establish limitations regarding the acquisition rights of foreigners in respect of the purchasing of property.

Replace legal jargon with short, familiar words

~~Furthermore, the provisions of the aforementioned Section 9 shall also establish limitations regarding the acquisition rights of foreigners in respect of the purchasing of property.~~

Section 9 will also limit foreigners' right to buy property.

- Tip: How would I say it?

2. It is important to keep in mind the fact that Ms. Smith was 17 when she signed the contract. Based on this fact, we conclude that the contract is invalid.

### Cut throat-clearing phrases

~~It is important to keep in mind the fact that Ms. Smith was 17 when she signed the contract. Based on this fact, we conclude that the contract is invalid.~~

The contract is invalid because Ms. Smith was 17 when she signed it.

- *It goes without saying that...*
- *We have done the research and are convinced that...*
- *One must always remember that...*

3. We are not currently aware of the number of boxes in the possession of the Prosecutor.

Look to cut “of” constructions

~~We are not currently aware of the number of boxes in the possession of the Prosecutor.~~

We do not know how many boxes the Prosecutor has.

- *directors of the company =*
- *in the amount of EUR 4,000 =*
- *in the event of =*
- *have knowledge of =*
- *in the course of tomorrow =*

4. The reason why I might miss the deadline is because I am checking for violations of the Code that could possibly result in criminal prosecution if referred to the appropriate governmental authorities. I promise it will not happen again in the future.

#### Cut redundancies and implied information

~~The reason why I might miss the deadline is because I am checking for violations of the Code that could possibly result in criminal prosecution if referred to the appropriate governmental authorities. I promise it will not happen again in the future.~~

I might miss the deadline because I am checking for Code violations that could result in prosecution. It will not happen again.

- *Cooperate together with, conscious efforts, individually tailored, free gift, moment in time, mutual agreement, successfully received*

## Step 2: Simplify sentences

10, 4, 9, 8, 5, 2, 1, 7, 6, 3

1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Goal: Short SVO sentences where main characters are S and their actions are V



1. The defendant's solicitation of contributions through an organization with a misleading name constituted fraud.

"Flesh and blood" actors

The defendant committed fraud by soliciting contributions through an organization with a misleading name.

- Tip: Who is doing what to whom?

The decision by the lawyer to mix his personal account and his clients' accounts was a case of clear misuse of funds.

The lawyer misused his clients funds when he...

2. Interpretations of the federal rules by the federal judiciary are given great weight by state courts concerning the interpretation of their own rules.

Active voice

State courts give great weight to how federal courts interpret federal rules.

3. Agreements that are not in writing are not enforceable unless witnessed by another person.

### Positive constructions

Agreements ~~that are not in writing~~ are ~~not~~ enforceable ~~unless~~ witnessed by another person.

Oral agreements are enforceable only when witnessed by another person.

- Tip: Try a one-word positive form
  - not pay attention to* =
  - shall not be prohibited from* =
  - fail to comply with* =
  - does not contain* =

4. The judge, recognizing that allowing defenses normally available to employers would undo the cohesiveness of the plaintiffs' claims, elected to deny Wal-Mart the right to defend itself.

4. The judge, recognizing that allowing defenses normally available to employers would undo the cohesiveness of the plaintiffs' claims, elected to deny Wal-Mart the right to defend itself.

SVO together / short sentences

The judge denied Wal-Mart the right to defend itself, recognizing that...

## Bonus: Short sentences – 3 more tips

- Test: Breath?
- Tip 1/red flag: The most overused punctuation mark in legal writing?

In a trial by jury, the court may, when the convenience of witnesses or the ends of justice would be promoted thereby, on motion of a party, after notice and hearing, make an order, no later than the close of the pretrial conference in cases in which such pretrial conference is to be held, or in other cases, no later than 10 days before the trial date, that the trial of the issue of liability shall precede the trial of any other issue in the case. (1 sentence = 86 words)

In a jury trial, the court may order that the liability issue be tried before any other issue. It may do so if it is more convenient for the witnesses or more just. The court may order on a party's motion after notice and hearing. In cases with a pretrial conference, the court must make the order before the conference ends. In cases with no pretrial conference, the court must make the order at least 10 days before the trial date.

(5 sentences = 81 words)

- Tip 2: Clearly set off intervening information

The Sauerland cell – which was accused of planning to bomb German targets in 2007 and a foiled bombing of the Bonn rail station in December 2012 – involved Germans not born or raised Muslim.

- Tip 3: Try very short sentences

Substituting one decision-maker for another may yield a different result, but not in any sense a more “correct” one. So too here.

(Chief Justice Roberts, Alaska v EPA, US Supreme Court)

# Thank You!

[chris@legalwritingcoach.com](mailto:chris@legalwritingcoach.com)