



YOUR ESSENTIAL GUIDE TO USING PLAIN LANGUAGE IN WRITING



A MUST-READ RESOURCE FOR MODERN LAWYERS

Plain language is clearly understood by clients and co-workers. It cuts out confusion and connects with the reader.

Overly complex communication, on the other hand, detaches the community from our legal system. That's why the legal profession is moving towards plain language.

This guide lets you move with it.



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WHY CHOOSE PLAIN LANGUAGE?

Plain language is a writing style that lets readers understand the message the first time they read it.

It uses short, clear sentences and everyday words without unnecessary jargon.

And it's not about 'dumbing things down'. Instead, it's about focusing on clarity – to achieve crisp, concise communication without ambiguity.

It puts your clients first

Clients want to be involved in their own legal process. So they expect you to make sense of the law for them.

Others, who already feel intimidated at the prospect of engaging a lawyer, might keep their distance.

Plain language bridges this gap. It builds trust and encourages clients to play their part. The more they understand, the more they can help you do your job.

It saves time and money

Complex language causes costly delays. Not only for your clients – but for your firm or organisation too.

When you use plain language, your clients and coworkers won't waste time dealing with confusion. This means improved efficiency, service and satisfaction.

As an example, when the Family Court of Australia rewrote its divorce application form in plain language, it enjoyed a 33% drop in related phone enquiries.

Meanwhile, 70% of applicants reported that the form was easier to fill in, creating a happier end user.

It's safe

Ambiguous agreements and documents increase the scope for disputes, complaints and negligence claims against you.

Plain language ensures your work clearly reflects your client's intention or agreement – leaving it less open to interpretation.

It's inclusive

Our community is culturally and linguistically diverse. By using plain language, we ensure that people of all education levels and backgrounds can access our legal system.



HOW TO USE PLAIN LANGUAGE

Plain language is the key to clear communication. Here's how you can use it, so readers get your message *straight away*.

LET GO OF LEGALESE

Perhaps you're still attached to legalese – the language you learned in law school.

These 'sophisticated' words might have demonstrated your knowledge in academic assessments. But they have no place in practice. Instead, use words that your readers hear in the real-world.

Instead of	Write
Bona fide	Good faith
Forthwith	Immediately
Hereafter	After this
Inter alia	Among other things
Shall	Will
Thereafter	After that
Thereof	Of it
Therewith	With it

USE SIMPLE WORDS

We know – flexing your knowledge with fancy words is tempting. But this makes your message harder to grasp. So use familiar, everyday words to avoid alienating your readers.

Instead of	Write
Assist	Help
Commence	Start
Determine	Find
Evident	Clear
Following	After
Frequently	Often
However	But
Identical	Same
In proximity to	Near
Numerous	Many
Requirement	Need
Validate	Confirm

Quick tip: If you think a big word is necessary, use brackets to clearly explain it. For example: “The easement sterilises your land (i.e. prevents use, development and infrastructure).”

WRITE SHORT SENTENCES

Clients and co-workers alike are quick to look away from long sentences. Aim for under 25 words per sentence to keep readers engaged.

Instead of	Write
We have now had the opportunity to review the proposed draft contract for sale and provide the following epitome of the main terms:	We have reviewed the draft contract. The main terms are:
We are of the belief that a 30-day notice to remedy should have been served by the landlord prior to exercising a power of sale.	The landlord should have served a 30-day notice to remedy before exercising a power of sale.
We observe that your current employment is in violation of your agreement with your previous employer to not work for a competitor in any capacity during the 6-month period immediately after the termination of your previous employment.	Your current employment breaches the non-compete clause in your contract with your previous employer.
We will provide you with our legal advice and commence legal proceedings upon receipt of payment in the agreed amount by the agreed date.	We will start once we receive payment as agreed.

USE THE ACTIVE VOICE

Active voice sentences are clearer, more concise and more direct. The passive voice, on the other hand, is less certain and less engaging.

Use the active voice by placing the subject at the start of your sentence.

Instead of

Write

The limitation period is stipulated by the agreement.

The agreement sets out the limitation period.

Rent will be collected by the landlord every week.

The landlord will collect rent every week.

Providing a safe and accessible workplace is the responsibility of the employer.

The employer is responsible for providing a safe and accessible workplace.

Flexible working arrangements may be requested by employees.

Employees may request flexible working arrangements.

Our invoice has been sent to you.

We have sent you our invoice.

ELIMINATE WORDY PHRASES

Some expressions add fluff to your writing – not value. Here are some ways you can send the same message with fewer words.

Instead of

Write

Due to the fact that

Because

During the period of

During

Has had an effect on

Influenced

I am of the belief that

I believe

In order to

To

In the event that

If

In the near future

Soon

In the time preceding

Before

Is aware of the fact that

Knows

Notwithstanding the fact

Even though

The majority

Most

With the exception of

Except

CUT THE CORPORATE JARGON

Some lawyers think corporate jargon sounds impressive – but it can come off as pretentious and out of touch. These simple alternatives better connect with your reader.

Instead of	Write
Advantageous	Helpful
Deliverable	Result
Finalise	Finish
Incentivise	Encourage
Leverage	Gain
Operational	Working
Regarding	About
Terminated	Ended
Utilise	Use

AVOID NOMINALISATIONS

Nominalisations are words for processes, techniques, or emotions – not actions. They are nouns formed from verbs, often ending in 'ion', 'ment' and 'ance'.

Aim to use the verb form instead of the noun form. This will make your writing clearer and more engaging.

Instead of	Write
Conduct an assessment	Assess
Facilitate the resolution of	Resolve
Have a discussion	Discuss
Initiate and inquiry	Inquire
Make a decision	Decide
Make an arrangement	Arrange
Organise the provision of	Provide
Perform an analysis of	Analyse
Place restrictions	Restrict
Provide advice to	Advise
Reach an agreement	Agree



FINESSING YOUR FORMATTING

With plain language down pat, finessed formatting is the cherry on top. Clear, consistent formatting makes your writing instantly easier to scan, understand and respond to.

BREAK IT UP

Whether it's a client reviewing a contract or a co-worker reading an email, *no one* wants to wade through slabs of text. Use clear headings, lists and white space to make your writing simple to scan and read.

Instead of

The landlord is entitled to undertake monthly inspections of the property and require the tenant to pay so far as is reasonable for the reparation of any damage caused to the property by the tenant.

Today I will need you to proof and forward my advice to Sarah regarding her mortgage repayments. Then I will need you to brief Joel, the new intern, on the neighbourhood dispute matter we discussed yesterday. After that you can send out invoices to the clients whose matters have finalised.

Write

Landlord's entitlements

The landlord is entitled to:

- Undertake monthly inspections of the property.
- Seek payment from the tenant to repair any damage the tenant causes to the property.

Today's tasks

1. Proof and send mortgage repayment advice to Sarah.
2. Brief Joel on neighbourhood dispute matter.
3. Send invoices for finalised matters.

PUNCTUATE WITH PRECISION

Punctuation breaks up sentences to make your writing more readable. Remember – the full stop is your *best* friend.

But be careful. Because how you punctuate also dictates the meaning of your message.

Below is an excerpt from the agreement in Canada’s “Million Dollar Comma” case. Here, a wayward comma narrowed the scope of a notice requirement for termination. It meant that the notice requirement only applied *after* the first five years of the agreement.

Instead of

This agreement shall be effective from the date it is made and shall continue in force for a period of five years from the date it is made, and thereafter for successive five-year terms, unless and until terminated by one year prior notice in writing by either party.

Write

- This agreement will be effective for five years (Initial Term).
- It will continue to be effective for five-year terms after the Initial Term has expired (Successive Terms).
- During a Successive Term, either party may terminate the agreement by giving written notice one year in advance.

FINAL TIP: UNDERSTAND AND REDRAFT

Always re-read and edit your writing with the aim of making it clearer. And always consider your audience.

Ask yourself:

Who will be reading or signing the document?

Will they be able to understand the document?

How can I simplify my sentences?

How can I re-order the clauses?

Can I say the same thing with fewer, simpler words?



PLAIN LANGUAGE IN PRACTICE

Learning how to use plain language is an investment in your skillset as a lawyer.

If you want to improve, you'll need to be conscious and critical of how you write. So initially, implementing these tips can take time.

But soon enough, it will come naturally to you – saving you days of costly confusion.

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