

LEGAL AFFAIRS

Book encourages attorneys to avoid jumbled jargon

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What language allows a sentence to be 400 words long and still not get to the point? The very language that governs our courts, our cities, and our nation: Legalese.

Legalese uses redundancy, unnecessary wording, mixed languages, misplaced footnotes, run-on sentences, and punctuation and grammar that surely would guarantee an "F" in English class.

Judge Mark P. Painter of the First District Court of Appeals in Cincinnati wrote the book on legalese and how to avoid it. It's called "The Legal Writer, 40 Rules for the Art of Legal Writing." He said he wrote it out of self-defense after having to read countless pages of briefs that went on and on and on. He urges attorneys and judges everywhere to consider more carefully what they present and who will need to make sense of it.

"Legalese can make a lot of things ambiguous. It means someone was too lazy to say what they really meant, or they stuck legalese in to make it unreadable."

— Judge Mark P. Painter
 First District Court
 of Appeals in Cincinnati

The book offers attorneys and judges alternatives to the usually over-worded jargon pushed back and forth throughout the legal system.

"All the time, we have lay people who don't understand what lawyers are writing, or what's happening to them. Half of the time even lawyers can't understand what's being said," Judge Painter said.

"Legalese can make a lot of things ambiguous," he said. "It means someone was too lazy to say what they really meant, or they stuck legalese in to make it unreadable."

That might be why even some inmates in the prison system are taking note of the book.

"There are at least a half a dozen prisoners who have ordered the book so far, so they'll be writing their briefs in plain language," Judge Painter said.

"The funny thing about law school is that they teach you to talk in a secret language, but now, the secrets are out," joked Rick Slee, director of continuing legal education at the Ohio State Bar Association, which promotes the book.

"Judges get tired of having to decipher attorneys' writing," Mr. Slee said. "Attorneys are buying the book because they're looking to improve their legal writing."

Patricia Ann Blackmon, administrative presiding judge for the 8th District Court of Appeals in Cuya-

hoga County, said it's inexperienced that most likely teaches lawyers to be messy.

"I'm a big advocate of making things better and user-friendly, and having people appreciate the beauty of the written word, and using it to give an answer to a problem," she said. "Maybe we tend to think it makes us look better to be long and drawn out, or maybe because as lawyers it makes us feel smarter. I've always thought if judges would use active voices, our opinions would be shorter."

Andrew Pollis, a litigation partner at Hahn, Loeser & Park LLP in Cleveland, said he understands why legalese exists.

"Lawyers, especially smart lawyers, are complex thinkers, but being a complex thinker is not enough," he said. "You must be able to communicate your thoughts in simple, digestive ways. Good writers will convey in the introduction of the brief everything the judge needs to understand, including where the lawyer is going. You've really got to lay it out there in a straightforward

way, follow logical steps to get from point A to point B."

Cleveland attorney and Maple Heights Mayor Michael Ciaravino suggested legalese stems from the ability of individuals to interpret the law differently.

"Still, every effort should be made by attorneys to make legal documents more readable, in order to insure a higher rate of understanding," he said. "If Shakespeare could communicate his masterpieces in one- and two-syllable words, why can't we?" ■

Avoiding legalese

WRONG:

makes mention of
 was in conformity with
 in connection with
 provide responses
 period of a week
 as a consequence of
 is contended
 by plaintiff

RIGHT:

mentions
 conformed with
 respond
 a week
 because of
 plaintiff contends



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