

Plain language in a law firm



by Justyna Zandberg-Malec

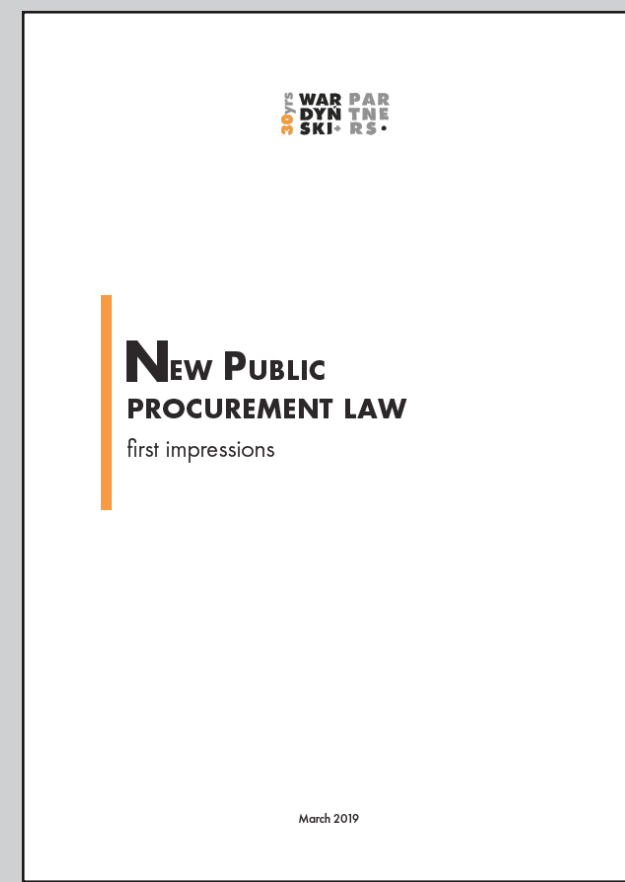
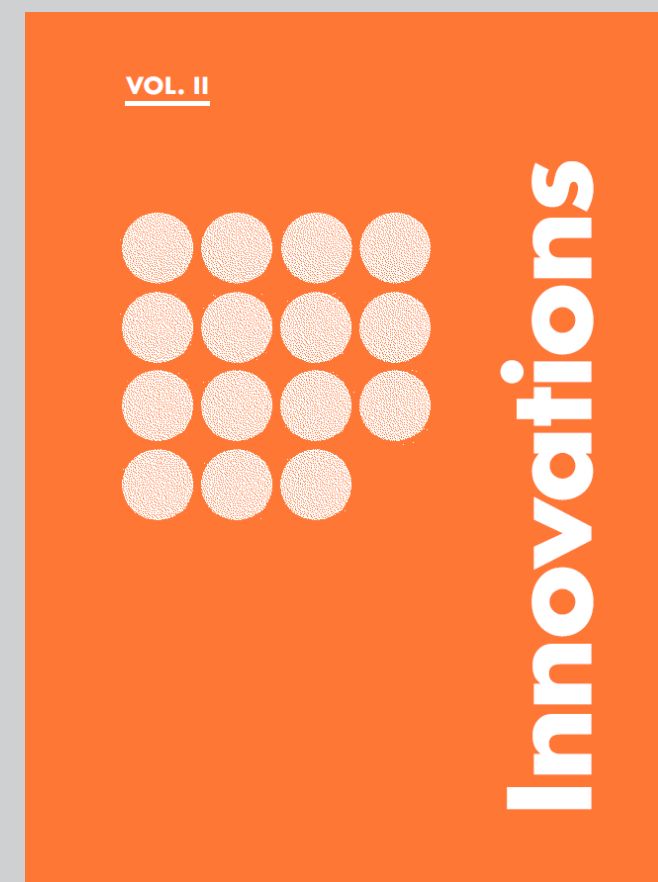
Why does a law firm need a linguist?

oversees firm publications (print and online)

serves as a helpline for language advice by phone or email

ensures that texts by the lawyers are understandable, logical, concise, and linguistically correct

reads (critically and with understanding) about 300,000 words per year



before

The Act Amending the Code of Civil Procedure Act and Certain Other Acts, which introduces numerous changes in civil procedure which will also have an impact on employment litigation, was published yesterday. However, the most important change concerning the separate procedure in cases in the area of employment law is the possibility for the court of first instance to impose on the employer in the judgment, at the application of the employee, an obligation to continue employing the employee through the legally final conclusion of the proceedings. Under the previous state of the law, this was possible only if the court found that the notice of termination of the employment contract was ineffective.

after

Yesterday an amendment of the Civil Procedure Code was published, introducing many changes to civil procedure, including employment litigation. The most important change in the special procedure for employment cases? At the employee's request, in the judgment the trial court can order the employer to keep the employee on staff until appeals are exhausted. Before the court could do this only if it held the termination notice to be ineffective.

Lawyers say:

the skill of proper communication is the essence of a lawyer's work

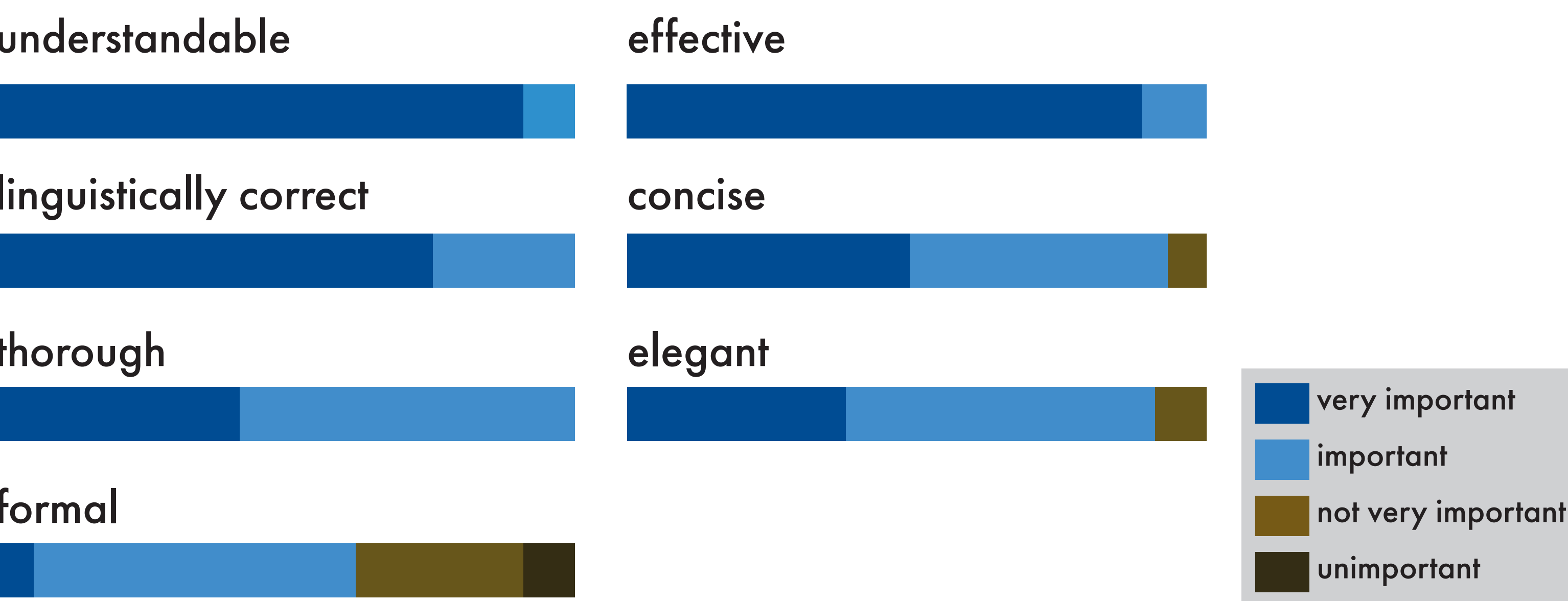
professional jargon—legalese—doesn't win the respect of clients, but always has a negative impact

brief, substantive, and to the point

the complicated legal processes we wrangle over should be explained with simple examples

a lawyer must always be understandable

What sort of texts should be written by lawyers?



And also:

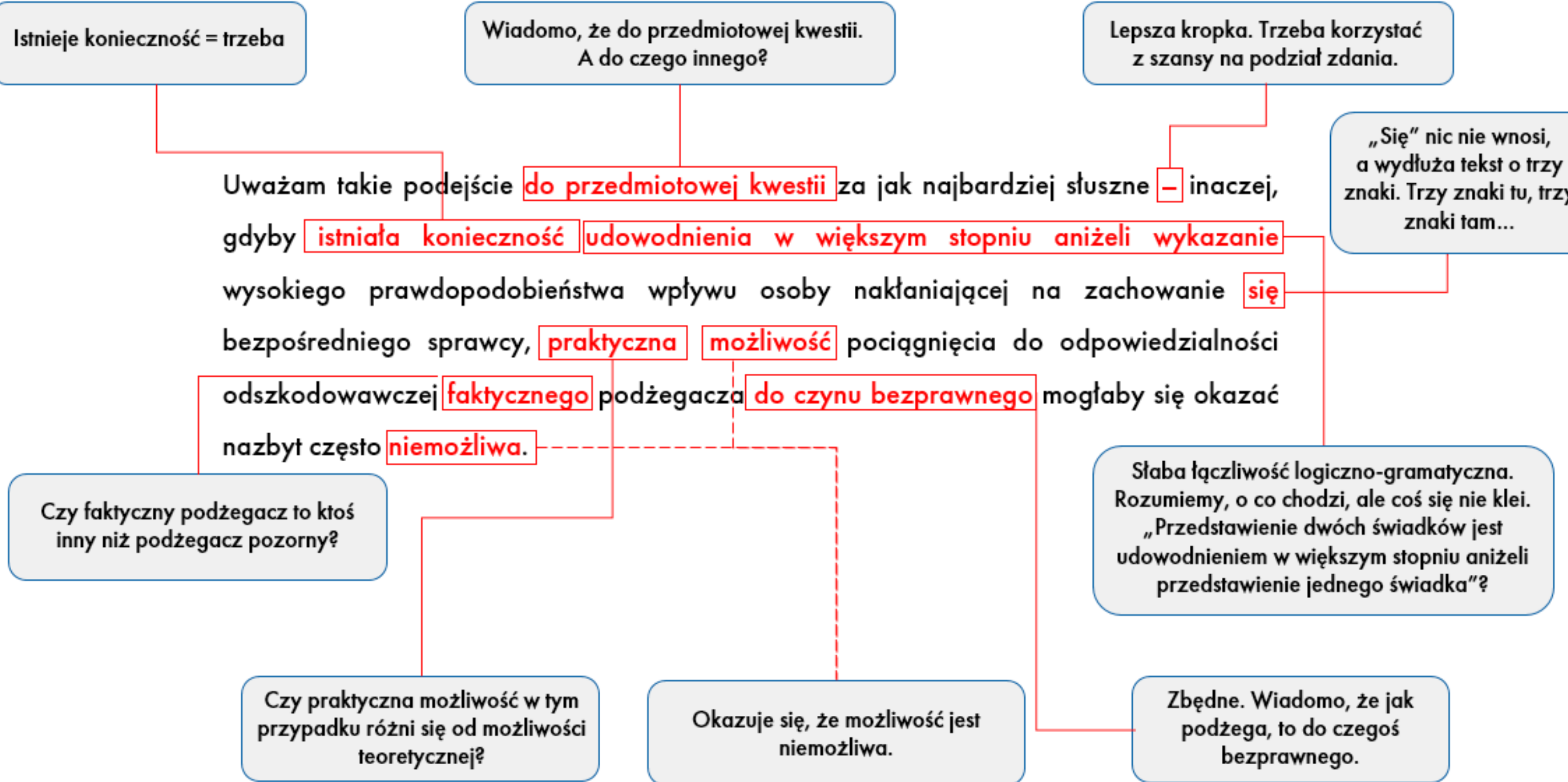
- tailored to the addressee, their knowledge and legal awareness
- understandable to a non-lawyer, at least in the summary/recommendations
- written in clear, natural language
- logical, readable and well-structured (points, titles, headings)
- no padding, to the point and on-topic
- without unnecessarily difficult words—a reader who doesn't know the word will instantly take a negative attitude
- without long quotations from the case law
- sentences shorter than seven lines

One sentence in three acts (in Polish)

Act I 1 sentence, 47 words

Uważam takie podejście do przedmiotowej kwestii za jak najbardziej słuszne – inaczej, gdyby istniała konieczność udowodnienia w większym stopniu aniżeli wykazanie wysokiego prawdopodobieństwa wpływu osoby nakłaniającej na zachowanie się bezpośredniego sprawcy, praktyczna możliwość pociągnięcia do odpowiedzialności odszkodowawczej faktycznego podzégacza do czynu bezprawnego mogłaby się okazać nazbyt często niemożliwa.

What's wrong?



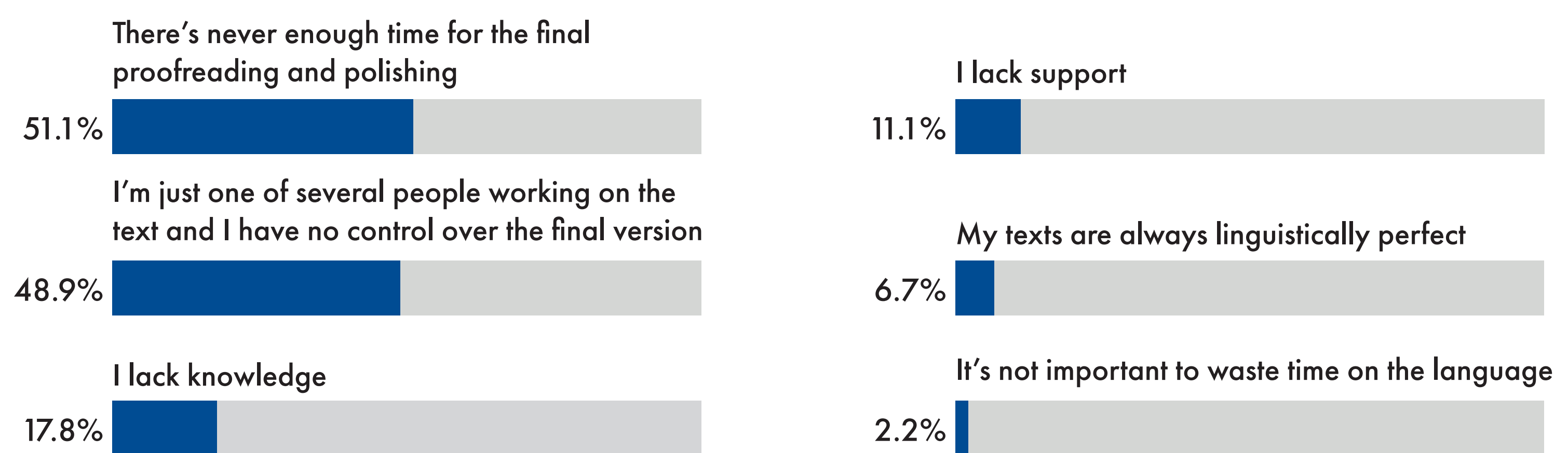
Act II 2 sentences, 33 words; 30% shorter

Uważam takie podejście za jak najbardziej słuszne. Gdyby trzeba było wykazać coś więcej niż wysokie prawdopodobieństwo wpływu osoby nakłaniającej na zachowanie bezpośredniego sprawcy, pociągnięcie podzégacza do odpowiedzialności odszkodowawczej nazbyt często okazywałoby się niemożliwe.

Act III 2 sentences, 27 words; 42% shorter

To słuszne podejście. Gdyby trzeba było wykazać coś więcej niż wysokie prawdopodobieństwo wpływu osoby nakłaniającej na zachowanie sprawcy, często nie dałoby się pociągnąć podzégacza do odpowiedzialności odszkodowawczej.

If the final text is not linguistically ideal, what is the reason?



Researchers have identified certain characteristics of texts that affect their clarity. How important are they in legal texts? Can they be applied at all?

