

Simplifying Our Writing

Choosing Common Words

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In 1998, the president of the United States issued the following directive to the heads of the executive departments and agencies: The Federal Government's writing must be in plain language. By using plain language, we send a clear message about what the Government is doing, what it requires, and what services it offers. Plain language saves the Government and the private sector time, effort, and money. Plain language requirements vary from one document to another, depending on the intended audience. Plain language documents have logical organization, easy-to-read design features, and use:

- common, everyday words, except for necessary technical terms;
- "you" and other pronouns;
- the active voice; and
- short sentences.¹

As part of the plain language movement, this directive was given to simplify the language in statutes, rules, regulations, and other government documents. And it worked. Many of our laws are now clearer and more readily understood. The movement has also assisted lawyers throughout the country, causing legal educators and writing experts to turn their attention to helping us simplify the language in our briefs, contracts, memos, and letters.

I'm occasionally asked about methods for simplifying our legal writings. This article, which is the first in a series, is designed to do just that. Here we focus on replacing complex words and phrases with words that are easily understood.

Choosing a Common Word

Long before the 1998 presidential directive, Aristotle discussed the need for plain language:

"Style to be good must be clear, as is proved by the fact that speech which fails to convey a plain meaning will fail to do just what speech has to do."² Said differently, plain language does a better job of explaining and convincing than complex language.

Taking Aristotle's advice to heart, Table 1 contains a list of needlessly complex words and phrases and their plain-language substitutes. There are many similar lists available in grammar

books and on the Internet, and I recommend them to you.

According to Strunk and White's *The Elements of Style*, the phrase "the fact that" is an "especially debilitating expression" and should be stricken from every sentence in which it occurs.³ Table 2 shows some of the authors' suggestions for improvement.

Revising Colloquialisms and Jargon

To simplify our writing, we should also revise colloquialisms and jargon. Colloquialisms are informal words or phrases that are often used in everyday conversation. They usually have geographic significance but can be misunderstood outside of a particular location. For

TABLE 1

| Complex | Plain Meaning |
|--------------------------|-------------------|
| aforementioned | previously stated |
| a number of | some |
| as a result of | because |
| at an early date | soon |
| at the moment | now |
| at the present time | now |
| at this point in time | now |
| at that point in time | then |
| be cognizant of | know |
| by means of | by |
| come to a decision as to | decide |
| during the time that | during |
| elucidate | explain |
| for the purpose of | to |

| | |
|----------------------------|--------------------|
| for the reason that | because |
| give consideration to | consider |
| however | but, yet |
| in accordance with | by, under |
| in connection with | with |
| in favor of | for |
| in order to | to |
| in the event that | if |
| make reference to | refer |
| not the same as | different from |
| notwithstanding | in spite of, still |
| on the grounds that | because |
| orientate | orient |
| pertaining to | about |
| prior to | before |
| promulgate | issue, publish |
| question as to whether | question whether |
| reason is because | because |
| subsequent to | after |
| termination | end |
| utilize | use |
| with reference to | about, concerning |
| your attention is drawn to | please see |

TABLE 2

| Complex | Plain Meaning |
|--------------------------------------|------------------------|
| owing to the fact that | since, because |
| call your attention to the fact that | remind you, notify you |
| unaware of the fact that | unaware that |
| the fact that he had not succeeded | his failure |

Source: Strunk and White, *The Elements of Style* § 17 (4th ed. Pearson 2000).

instance, the words “soda,” “coke,” and “pop” are each used in different parts of the country to refer to carbonated soft drinks.

Jargon refers to the specialized language used by practitioners in a specific trade or business. Lawyers are especially guilty of using legal jargon, such as “aforementioned,” “henceforth,” “whereof,” in addition to many of the complex words and phrases listed in the tables.

To simplify our writing, we should revise colloquialisms, which can be easily misunderstood. We should also simplify legal and nonlegal jargon, which overly complicates writings.

Conclusion

As I’m learning to improve my writing, I try to follow the fundamental rule that “all tools in a writer’s toolbox have value, and all tools will be needed at some time.” There will be times when complex words and phrases are needed, or when colloquialisms and jargon have a place. In such instances, clarity will demand their use, and we should not hesitate to use them. But their use should not be the norm. If we work hard to write in plain English, we will improve our clarity, and, our writing will be much more convincing and persuasive as a result. ^{CL}



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NOTES

1. Clinton, Memorandum for the Heads of Executive Departments and Agencies (June 1, 1998), <https://www.govinfo.gov/content/pkg/WCPD-1998-06-08/pdf/WCPD-1998-06-08-Pg1010.pdf>.
2. Aristotle, *Rhetoric*, book 3, ch. 2 (Bekker number 1404b).
3. Strunk and White, *The Elements of Style* § 17 (4th ed. Pearson 2000).