

SOLICITORS' GUIDE TO CLEAR WRITING



The purpose of writing is to be understood.



Introduction

As solicitors, we know the power of language to convey information, to persuade and to effect change. We know that using words precisely, in accordance with their legal meaning, is important in the practice of law.

We also come from a professional tradition that once prioritised the need to demonstrate higher learning and expertise above the need to be understood. This has sometimes resulted in our written communication being unnecessarily confusing, especially for our clients.

However, there are simple techniques that you can use to improve your writing to make it clearer for your reader.



Write for your audience

Before you begin to write, you should consider who your intended reader is and ensure your writing suits their needs. Are you writing to another solicitor or to your client? If you are writing to a client, you should consider writing in a way that suits a wide range of reading abilities. For example, mass market novels are written at a 13-year-old reading level in order to appeal to a wide range of abilities. On the other hand, The New York Times is written at a 16-year-old reading level.

This also means avoiding jargon, professional terms and abbreviations that may be unfamiliar to non-lawyers. If these terms are unavoidable, define them in the body of the text.

The National Adult Literacy Agency (NALA) offers a service to assess and edit written communications to ensure they are in Plain English. The Law Society has undergone this process to make our Legal Guides for the public Plain English compliant. Find out more at www.nala.ie.



Basic Guidelines for Communication

LANGUAGE AND GRAMMAR

- Use “we” and “you” where possible when writing. This makes the communication much more direct and accessible to the reader.
- Use the active voice, not the passive voice. For example, write “we will send you confirmation” rather than “a confirmation will be sent”.
- Avoid “ing” words where they are unnecessary. For example, write “we will contact you in two weeks” rather than, “we will be contacting you in two weeks”.
- Seek to explain clearly and avoid use of jargon or unfamiliar terms. Define these within the text if they are necessary.
- Use a consistent date format. For the Law Society that is, for example, 10 September 2020.
- Only use capital letters for a person’s name and title, for proper nouns and at the beginning of a sentence.
- Avoid Latin and French phrases and Latin abbreviations.
- Keep it short. Eliminate all unnecessary words. Review with this in mind.



STRUCTURE

- Keep sentences short. NALA recommends an average of 15 to 20 words in each sentence. Paragraphs should also be kept relatively short.
- Organise information in a way that serves your reader. Use informative headings to break up information in a helpful way.
- Address issues one at a time. Use a new paragraph for each new point.
- Your firm or organisation should use one standard font for all written communication. The Law Society uses Arial for its clarity both on screen and on paper for non-designed communications.
- Justify your documents to both the left and right hand margins for neatness.

In order to avoid jargon, you first need to understand what terms are unfamiliar to non-solicitors. NALA has developed a Plain English Guide to Legal Terms to help lawyers communicate in simple language with their clients. You can access this guide at www.nala.ie



Three Core Principles for Writing as a Solicitor

The way we write reflects our values and what we stand for. When we communicate we speak from a position of service, with courtesy and respect and in a way that is easily understood.

1

COURTESY AND RESPECT

- We write person-to-person and address the person by name whenever possible. Avoid "Dear Sir or Madam" or "To whom it may concern".
- We are inclusive in our language and never use "Dear Sirs".
- We show respect by asking permission or by offering an invitation. For example, "We ask that you give this your attention and send a reply within the next ten days."
- We show empathy and understanding.
- We give clear reasons for our decisions.
- We write in a serious tone for serious messages.
- We expect to be treated with courtesy and respect.

2

WE SERVE

- To be of service means to communicate the clear benefits of the services we provide to our clients.
- We show we understand clients' needs and we say how we can help.
- We provide helpful information at every point it may be useful to our client. For example, we provide directions to further information or assistance.

3

CLEAR AND CONCISE

- We keep sentences short and write or say only what is necessary.
- We explain any special terms that our audience may be unfamiliar with as simply as possible.
- We are clear about what action we want people to take.
- We group related information in lists or bullet points and use informative headings.
- We use simple language and always ask, "Is there a simpler way to say this?"