

Legal Language vs. Plain English: Clear Communication in Legal Documents

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Article Detail:	Abstract
<p>Received on: 24 Apr 2025 Revised on: 21 May 2025 Accepted on: 26 May 2025</p> <p>©2025 The Author(s). Published by International Journal of English Language, Education and Literature Studies (IJEEL). This is an open access article under the CC BY license (https://creativecommons.org/licenses/by/4.0/).</p> <p>Keywords – legalese, intricate terminology, obsolete grammar, plain English language, clarity, comprehensible, precise, economical.</p>	<p><i>This abstract explores the inherent tension between traditional legalese and the principles of plain English in the creation of legal documents. The legal profession has relied on a specialised vocabulary, complex sentence structures, and often archaic phrasing. While this language serves purposes such as precision, historical continuity, and avoiding ambiguity within the legal community, it frequently creates significant barriers to understanding for non-legal professionals and the general public. This lack of clarity can lead to misunderstandings, disputes, and a sense of alienation for individuals interacting with the legal system. The plain English movement advocates for accessible and understandable language in all forms of communication, including legal writing. Adopting plain English principles in legal documents involves using simpler vocabulary, shorter sentences, and a direct, clear style. Proponents argue that this approach enhances transparency and empowers individuals to understand their rights and obligations. It improves the clarity of legal documents, ensuring they are easily comprehensible for the intended reader.</i></p>

This paper will delve into the historical and functional reasons behind the persistence of complex legal language while examining the compelling arguments and practical benefits of embracing plain English. It will consider the challenges and potential pitfalls of simplifying legal terminology without sacrificing necessary precision. Ultimately, this exploration highlights the critical need for legal professionals to prioritise clear communication and find a balance between the precision required by law and the accessibility demanded by a public-facing legal system, advocating for a shift towards legal documents that are both legally sound and readily understood.

Common people, whom the laws are meant to protect and control, find it difficult to understand legalese. Language is always changing due to everyday usage, and legalese often uses complex

terms that are incomprehensible to the average person. It is recommended that solicitors utilise simple English, which simplifies structure and content to make it accessible to the general public. Concepts may be expressed as clearly as possible while using plain language. Attorneys are more successful when they speak to their clients in simple English. This paper investigates the relevance and benefits of using plain English in legal communication among legal professionals. It addresses the difficulties associated with traditional legal jargon, outlines the value of plain language, and reviews current efforts to enhance accessible legal communication.

According to Robinson, "legal language" is "the language of the lawyers that they would not otherwise use in ordinary communications but for the fact that they are lawyers"(Robinson,3). The linguists' definition of legalese is that it is a unique dialect.

Communication with clients is frequently hampered by legalese, which has long been the punchline of jokes about attorneys. It has been conservative and mostly unchanged. It makes use of archaic language and sentence construction. Legal terminology frequently employs superfluous words and sentences. It should be as formal as other forms of contemporary corporate writing. Additionally, legal language frequently employs incorrect pronoun references, passive voice, and inappropriate and non-standard punctuation. It suffers from being overused and is tedious. It uses enormous amounts of jargon and technical phrases without providing the layperson with the necessary definitions, which makes it turgid and impersonal. It uses massive amounts of jargon and technical phrases without providing a layperson with the definitions required to make it turgid and impersonal.

Different experts have different definitions of the plain English language. Steinberg has expressed, "Plain language is a language that reflects the interests and needs of the reader and consumer rather than legal, bureaucratic, or technological interests of the writer or the organisation that the writer represents" (Steinberg,7). In 1982, the British government issued a white paper ordering the departments to count their forms for the first time, abolish unnecessary details, and clarify in simple language. Proponents of plain language have also been active in Australia since 1976 and in Canada since 1988.

To adapt to outside circumstances, most everyday languages change over time. Because of how they are used today, languages are always changing, yet legal terminology is replete with archaic elements that ordinary English has forgotten. Words like aforesaid, herein, hereby, thereon, thereto, and witnesseth are frequently used in legal language but are no longer employed in other contexts. Legal terminology is thus "married to the past and terrified of the future."

The law continues to be obscured by its terminology from the individuals it governs and safeguards. By using ambiguous legal jargon, solicitors and legislators have purposefully excluded the general public from the law. Legal language is distinct from other languages to distinguish attorneys from ordinary people. For many years, impenetrable legalese has tried to keep its monopoly on

comprehension. Lawyers continued to write in a strange kind of French. Following a statute issued in 1731, attorneys were required to write in the English tongue and language only, and not in the Latin tongue or language, or the French tongue or language, or in any other tongue or language whatsoever. In the past 20 years, several attorneys have made significant advancements towards Plain English (Mellinkoff). Compared to legal terminology, plain English can accomplish the purpose with fewer words.

Legal English varies from typical English in various ways. Additionally, it extensively uses technical jargon unfamiliar to the average person, such as waiver, restrictive covenant, promissory estoppel, etc. Many terms and phrases used in the legal system originated from French and Latin. When conveying what is often a single legal notion, legal English has a weird historical propensity to tie together two or three words, as in the phrases null and invalid, fit and appropriate, agree and promise, etc. One of the strangest features of traditional legal writing, especially in deeds and conveyances, is the almost total absence of punctuation. In contrast, punctuation is utilised to clarify meaning in contemporary legal language.

Understanding the law is a fundamental requirement and right, whether you're signing a contract, speaking with your lawyer, creating a will, or researching a specific legal issue. One of the greatest writers of English law, Sir Edward Coke, made a crucial point early in the seventeenth century while discussing the translation of French laws into English. He stated that he could not conjecture that translating these laws into English would cause any inconvenience, but rather would bring profit, since ignorance of the law does not excuse.

Legalese is sometimes superfluous and even dangerously deceptive. It is ineffective and expensive. Furthermore, it has harmed the legal system's reputation. However, simple English can serve the same purpose as money and traditional legal jargon. It isn't uninteresting or lacklustre. These, thus, are the pragmatic justifications for designating plain English as the legal language. Choosing how to change the

wording of the penal laws and legislation is a challenging task. How can we expect regular people to respect the law if we cannot communicate the criminal code in plain English?

Lawyers who are willing to adapt demonstrate their originality, which makes them great and brilliant attorneys, as opposed to sticking to the traditional legalistic writing style. Legalese persists because of concepts of originality, inertia, fear of change, routine form usage, and a lack of ability. One additional benefit of using plain language is that it can help reduce errors. Attorneys who can effectively explain the law are better equipped to handle their clients' requests. When clients request a formal agreement, a plain-spoken lawyer may collaborate with them equally. As a result, negotiating the document is easier and less expensive. Composing a letter to a client or a consumer contract in straightforward terms demonstrates your concern for them. The client-attorney interaction is enhanced by using plain language.

Words are lawyers' tools, and how to use these tools effectively depends on one's thorough knowledge of the language. Sometimes, lawyers can use simple language for clear thought, while on the other hand, legalese certainly can be sought in complex and time-hollowed expressions. But there is probably no single reform that would improve the image of lawyers more than to get them to speak directly and understandably. The challenge to those who oppose modernising legal drafting is then apparent. Why should the law use outdated language? Why should specific laws governing legal language be contained in a particular linguistic code that only those who possess the key may interpret?

Experts have given many definitions of the plain English language. According to Steinberg, "Plain language is a language that reflects the interest and needs of the reader and consumer rather than legal, bureaucratic, or technological interests of the writer or the organisation that the writer represents" (Berry, 48). In 1982, the British government issued a white paper ordering the departments to count their forms for the first time, abolish unnecessary details, and clarify in simple language. Proponents of plain language have also been active in Australia since 1976 and in Canada since 1988. Sweden, South Africa and

New Zealand are some other countries which are making efforts for the use of plain language, which aims at writing and setting out language so that the reader can understand it easily. D. Berry points out that the goal of the plain language movement is to produce language (particularly written in English) which is clear, straight-forward expression using only as many words as are necessary, and which avoids obscurity, inflated vocabulary and convoluted sentence construction.

The plain language movement gained force as a part of the Consumer Movement in the 1970s. The English language serves as a comprehensive and accessible glossary for legal terminology by providing definitions, explanations, and contextual understanding of complex legal concepts. This relationship facilitates clearer communication, education and application of the law, making legal information easily comprehensible and more accessible to both legal professionals and laypersons. Legal language in English has evolved over centuries, incorporating Latin, French, and older English terms. Many legal terms—such as *habeas corpus*, *prima facie*, *tort*, and *indictment*—originate from Latin or French, but are now integrated into the English language, often with specific legal meanings. As a result, English serves as the primary medium through which these terms are understood, interpreted, and explained. Legal language comprises specialised vocabulary designed for precision and clarity within the legal system. To the layperson, these terms can be confusing or opaque. The English language provides definitions, explanations, and contextual usage that help clarify these terms. For instance, understanding what 'consideration' means in a contract requires knowledge of its legal significance, which is often explained in plain English. Over time, legal dictionaries and plain English legal guides have standardised the meanings of legal terms, making the English language serve as a reference point. These resources translate complex legal jargon into accessible language, effectively acting as a glossary that bridges the gap between legal professionals and the general public.

Many legal documents—contracts, statutes, and judicial opinions—use English to define, explain, and contextualise legal terminology. Movements advocating for plain English in law aim to make legal

language more understandable, thereby turning the English language into a practical glossary that makes legal concepts more transparent. Courts and legal educators often rely on the English language to interpret legal terms. Judicial opinions frequently include explanations of legal terminology in plain English, helping to clarify the law for all readers. This reinforces the idea that the English language functions as a living glossary that explains and contextualises legal language. Resources like Black's Law Dictionary and legal encyclopaedias compile legal terms and their definitions in English. These works serve as authoritative glossaries, providing detailed explanations that are accessible through the English language.

Two variable factors make successful communication of the content of a state: the first factor is the comprehension skills of the individual receiver of the message, and the second is the intrinsic complexity and other characteristics of the subject matter of any message. There must be a shared context of both the linguistic experience and the social experience to avoid comprehension problems, since communication depends on an overlap of linguistic experience between the sender and receiver of the message.

Plain language is a type of writing that can be understood first by clients, lawyers and judges; it is legally binding, logically organised, concise and clear. It follows the rules of Standard English Grammar. Plain language enables an average person to comprehend the document that binds them or state their rights. The statement is correct. The foremost duty of a law-making body is to create laws and communicate them clearly and effectively so that they can be easily understood even by a common man. Clear communication ensures that laws are properly implemented and adhered to, promoting justice and order. The style of plain language is professional yet appropriate to circumstances. It pays attention to format and design. The main goal is to convey ideas with the greatest possible clarity.

Statutes, bills, judicial opinions, contracts, deeds and wills profoundly affect our lives, but their language tends to be nearly impossible to understand. It is the duty and responsibility of the lawyer to keep their clients reasonably informed about the proceedings of the case. Clients also want to be

confident in the abilities of their lawyers. Some legal documents are written in such a way that not only are they accessible to the common man, but also to skilled lawyers and judges, who have extreme difficulty in comprehending them. In those cases, it is not the familiarity with the subject matter or lack of technical knowledge which causes the problem, rather, it is the language and structure of the document itself.

Plain English language can do the job of legal gobbledegook and help do the job better. Almost all legal writing is ruled over by one thing, i.e. money. Does writing legal documents and letters in plain English cost more or less than writing in legalese? It is a well-known fact that in any profession, time is money, and in the case of lawyers, too, time is a precious commodity. Lawyers charge their clients on an hourly basis and count to the minute. Plain English is quicker to read and understand. A clear letter from a solicitor will save their clients valuable time and money. Plain English improves the relationship between the writer and the reader. One Australian life insurance company comments rightly: "The plain English trust deed is user-friendly and can be understood. This builds a sense of trust and openness. The new approach could not work with documents written in traditional legalese" (Warburton). In June 1998, the US President, Bill Clinton, issued a memorandum to the heads of the US federal executive departments and agencies directing them to begin using "plain language to make government more responsive, accessible, and understandable in its communication with the public....Plain language saves the government and the private sector time, effort and money" (Clinton).

Clear written communication reduces legal and negotiating complications. English is widely spoken and understood, and it has become the 'lingua franca' of the modern era. The plain English movement has not yet revolutionised English language legal writing, but it is on its way to doing so. Given the growing importance of non-native speakers as a market for legal translation into English, plain English translation is not a good idea; it may be the future. Lawyers should use plain language because it rules except perhaps cutting excess words, greatly increased readability and understandability. Plain language is free of jargon and chosen with sensitivity to the needs and knowledge of the intended reader. It

is the appropriate and correct use of vocabulary in well-structured sentences, following established rules of grammar. Plain English teaches how to be precise, concise and to the point.

In the legal profession, clarity and precision are essential. However, complex language and legal jargon can often make documents difficult to understand for clients, judges, and the general public. Using plain English helps ensure that legal communication is accessible, effective, and less prone to misinterpretation. This article explores why plain English is vital for lawyers and how it benefits all parties involved. Plain English refers to clear, straightforward language that is easy for the intended audience to understand. It involves using common words, short sentences, and active voice, avoiding unnecessary jargon or complicated terminology. The goal is to communicate legal ideas in a way that is accurate yet simple.

Legal documents can be intimidating and confusing for clients. When lawyers use plain English, clients better understand their rights, obligations, and the implications of legal agreements. This clarity fosters trust and empowers clients to make informed decisions. Ambiguous or overly complex language can lead to misunderstandings, disputes, or legal challenges. Clear language minimises the risk of misinterpretation, ensuring that legal documents accurately reflect the intentions of the parties involved. Not everyone has a legal background. Using plain English makes legal information accessible to people from diverse backgrounds, including those with limited literacy or non-native English speakers.

Many legal regulators and professional bodies encourage or mandate the use of plain English. For example, the UK's Legal Services Act emphasises clear communication, and the U.S. Federal Plain Language Guidelines promote plain language in government and legal documents. Clear, concise documents save time during drafting, review, and interpretation. They reduce the need for lengthy explanations or revisions, leading to more efficient legal workflows.

Using plain English is not just a matter of style but a professional responsibility for lawyers. It ensures that legal documents are understandable, reduces the risk of disputes, and builds trust with

clients. Embracing plain language benefits the legal profession by making the law more transparent and accessible. In today's legal environment, clear and straightforward communication is essential. Using plain English helps lawyers ensure that their clients, judges, juries, and other stakeholders understand legal documents and advice without confusion or misinterpretation. It fosters transparency, builds trust, and enhances the effectiveness of legal services. By adopting plain English, lawyers not only improve accessibility but also demonstrate professionalism and a commitment to serving their clients' best interests. Ultimately, embracing plain English benefits everyone involved in the legal process, making the law more understandable and approachable.

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