



Center for
Plain Language

Simply Plain

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Plain Language— Our Problems Are Universal

By Melodee Mercer

“My office is filled with scientists; how do I get them to understand that plain language doesn’t mean dumbing down?”

“How do I get 12 disparate fiefdoms to write the same way when they do little else the same way?”

“How do I deal with legal reviewers who are the last line of review in my organization?”

These were questions asked at the start of a workshop I gave in October, “Creating a Plain English Culture in a Large Government Organization.”

If the questions don’t surprise you, this might: I was halfway around the world, at New Zealand’s first plain language conference. Agency for agency—from New Zealand’s IRS, the IRD (Inland Revenue Department), to its version of Health and Human Services—the issues were virtually the same as we encounter.

So, how was the conference?

Extremely well organized. (The main conference room, inside Wellington’s Museum of New Zealand Te Papa Tongarewa, overlooked the marina.) If there were any glitches, they were transparent to the 100-plus participants from business and government. This can be attributed to Lynda Harris, the founder and owner of Write Group Ltd. Her company organized the WriteMark Plain English Conference and Awards on Oct. 6.

Breakout session speakers included newcomers telling their success stories.

I. OK, give me more details.

The opening speaker, Duncan Sharkey, is a New Zealand filmmaker with a real passion for words. The first five minutes had him uttering incomprehensible sentences while one of Ms. Harris’ employees “translated.” The audience, at first bewildered, broke into laughter.

When he started to speak for himself—in very clear English—he gave one of my favorite lines of the conference. Referring to the kinds of things bureaucracies send out, he said: “It is okay to think out loud. It is not okay to write it down and then show it to people.”

The main portion of the conference was hosted by Lee Hatherly, a former comic who took the time to write poems to introduce the keynote speakers:

- **Christine Mowat, Canada**, spoke about the role of plain English in achieving clear and effective communication in both the public and private sectors.
- **Melodee Mercer, USA**, discussed how organizational change to plain language is more than just training people how to write.
- **Neil James, Australia**, talked about the place of standards, testing, and measuring when launching an initiative.

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- **Christopher Balmford, Australia**, spoke of plain English as “the voice of our brand,” and focused on the legal profession.

The day closed with a black-tie dinner for New Zealand’s first plain language awards, hosted by television personality Kevin Milne.

II. And what did you talk about?

A top-10 list of the things that U.S. agencies have done to make plain language programs successful. The list was compiled with information from Joanne Locke, FDA; Annetta Cheek, FAA; Jan Bumeister, DHS; and Ann Gelenau, IRS.

(I closed with a video of me taking the audience for a short trip to Philadelphia, up the steps of the Art Museum, a la Rocky, with a touch of New Zealand’s poi ball dance.)

My breakout session was based on a worksheet I developed to help organizations take the information from my keynote speech and apply it to their workplace.

III. Did you learn anything?

I learned that conferences like these are invaluable in educating and, maybe more importantly, inspiring plain language advocates—who in many cases are solely responsible for making their initiatives succeed.

Actually, I learned this from the Fifth International Plain Language Conference last year in Washington, D.C. But the difference is that international conferences mostly draw people who are already successful. Local conferences are more likely to draw those still struggling and looking for answers.

I also learned that our solutions are very much the same. So we should stop reinventing the wheel throughout the world and start connecting—if not in person, then using technology.

But how?

Here’s a good place to start: <http://www.writemark.co.nz/mainsite/writemark-conference-and-awards-2006.html>.

At the conference Web site you can view, among other things, many of the PowerPoint slides from the presenters.

One of my favorite links is to a TV news story that aired after the conference. The piece ran several minutes. Getting more than a sound bite about plain language is as unusual in New Zealand as in the U.S. But Lynda Harris and her staff somehow figured out how to appeal to the media. Now there’s something we could learn from the Kiwis.

Plain Language Legislation—Mandate for Clear Regs?

By Maureen A. Murphy

“Plain Language may not be a sexy subject, but I believe that the cost of poor communication is the great hidden waste in government.”

— Professor Joseph Kimble
March 1, 2006, Testifying before the
House Government Reform
Subcommittee, United States Congress

The “Regulation in Plain Language Act of 2006” (H.R. 4809) includes steps to ensure that agency regulations are clear, understandable, and written in plain language. This bill marked the first legislative mandate for plain language in the agency rulemaking process. Although the bill did not pass this year, we are optimistic it will be reintroduced next year.

On March 1, 2006, the House Government Reform Subcommittee held a hearing on H.R. 4809. Some highlights included:

Dr. Annetta Cheek (Center for Plain Language Vice-Chair)—200,000 Pages Of “Old School” Regulations

“Most federal regulations are still complex, bureaucratic, and difficult to understand.” Despite plain language initiatives by individual agencies, most drafters adhere to the status quo, with regulations already on the books providing a convenient template. H.R. 4809’s plain language mandate could break through this inertia, and get agencies to “take on the task of cleaning up their act.”

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A Plain Language Workshop for Lawyers

By Don Byrne

When you bought your home, did you try to read your mortgage agreement? Was it mostly legalese? When we bought ours, I asked the settlement attorney what it said, and he just replied, "If you don't pay, you don't stay." Now that's plain language!

Today many lawyers write in a plainer style, but there are a lot more converts to be made. The Center for Plain Language is doing its part by developing a workshop in effective legal writing. We already have approval from Virginia and several other states to provide six credit-hours of continuing legal education. (Most state bars require lawyers to take about 15 credit-hours of approved CLE training a year.)

Our workshop will be based on two outstanding texts: *Lifting the Fog of Legalese* by Professor Joseph Kimble and *Legal Writing in Plain English: A Text with Exercises* by Bryan A. Garner. (Professor Kimble is a member of the Center board, and Bryan Garner spoke at our conference last fall.)

Professor Kimble has taught legal writing for more than 20 years at Thomas Cooley Law School. He's editor-in-chief of *The Scribes Journal of Legal Writing*, the longtime editor of the "Plain Language" column in the *Michigan Bar Journal*, and the president of the international organization Clarity. He recently led the work on redrafting the Federal Rules of Civil Procedure.

Bryan Garner is author of *A Dictionary of Modern Legal Usage* and *The Elements of Legal Style*, and is editor-in-chief of *Black's Law Dictionary*. Mr. Garner has taught at the University of Texas and SMU law schools. Today he's president of LawProse, Inc., a Dallas-based company that teaches writing and drafting to lawyers and judges.

Besides teaching the essentials of plain language, the workshop will focus on replacing musty legal language and drafting specific legal documents in a clear and persuasive style. Major law firms have already expressed an interest, and we're doing a pilot version of the workshop in the Washington area.

Further this author sayeth not regarding the aforesaid workshop and the pedagogical material thereof. (In other words, that's about it for now—stay tuned.)

Exceptions: No Place to Begin

By John Strylowski

Why do we begin sentences with long exceptions? What perverse part of our nature makes us think that people are more interested in the exception that they are in the main idea? Do we apply this principle in our daily lives? I hope not.

Would you say to your friend, "Unless you have an illness in your family, have a previous engagement, are otherwise occupied, do not eat shrimp, or prefer to be alone, you're invited to dinner at our house on Friday"? I'm pretty sure you wouldn't. It does sound awfully silly when we put it in every day terms, yet people aren't embarrassed to write this way at work.

Let's look at an example from the world of work:

Notwithstanding any provision in these regulations to the contrary, no audit, review, reconciliation, monitoring, or other like process that results in a redetermination by MMS of royalty or fees due under this subpart is considered final or binding as against the Federal Government or its beneficiaries until MMS formally closes the audit period in writing.

What's at work here? Two ideas: One is that exceptions belong up front, and the second is that a concept is somehow not valid unless you put all of it and all of its ramifications into one sentence. The problem with this way of writing is that it doesn't follow the way that we think. We think positively and we absorb ideas better when they are expressed clearly and succinctly, with the main points up front. Why not rewrite the sentence to follow our natural thought patterns? Here's one possible approach:

An audit that leads to redetermined royalty or fees is final or binding on the Federal government or its beneficiaries only when MMS formally closes the audit period in writing. This principle applies in all cases, even if it conflicts with another provision in this subpart.

Which version would you rather read?

Center for Plain Language

About the Center

The Center is incorporated in the Commonwealth of Virginia as a non-stock, not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code.

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Legislation *(continued)*

Professor Joseph Kimble (Thomas Cooley Law School)— One Revised Letter, 900 Fewer Calls

The Department of Veterans Affairs was one of the first government agencies to focus on the need for plain language. A revised Department of Veterans Affairs form letter resulted in a drop in calls to a regional VA center over one year from about 1,100 to 200. Professor Kimble invited the audience to imagine the exponential savings if all government forms and letters were drafted in plain language. If, in fact, regulations require plain language, many government offices will save millions in wasted taxpayer dollars.

Todd McCracken—National Small Business Association (NSBA)

Federal regulations are full of “ambiguous terms, intricate technical language and difficult sentences,” and Executive Order 12866, which initiates a program to reform the regulatory process, including language use, hasn’t made much of a dent in the “usual bureaucratic jargon.” The NSBA supports H.R. 4809 as one method of providing more of what small businesses need—“simplicity.”

Editor’s Note: The bill did not pass in 2006; the Center will advocate to get it reintroduced in the new Congress.



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