

CLARITY BEGINS AT HOME

At its annual meeting in Atlanta in August 1999, the House of Delegates of the American Bar Association approved this resolution:

RESOLVED, That the American Bar Association urges agencies to use plain language in writing regulations, as a means of promoting the understanding of legal obligations, using such techniques as:

- Organizing them for the convenience of their readers;
- Using direct and easily understood language;
- Writing in short sentences, in the active voice; and
- Using helpful stylistic devices, such as question-and-answer formats, vertical lists, spacing that facilitates clarity, and tables.

To avoid problems in the use of plain language techniques, agencies should:

- Take into account possible judicial interpretations as well as user understanding;
- Clearly state the obligations and rights of persons affected, as well as those of the agency; and
- Identify and explain all intended changes when revising regulations.

Before and since, the ABA has been a leading voice for brevity, clarity, and accuracy in legal language. Then again, finding advocates of loquaciousness, cloudiness, and inaccuracy in legal language has always been difficult. And yet the “plain language movement” provides a striking and persistent illustration of the difficulty of practicing what you preach. Pick a shelf in a law library, any shelf

As we have reported repeatedly, however, Bryan Garner is an exception. He is that rare character who both vigorously champions and consistently produces compact, clear, and accurate written work. Recently, we had a chance to compare the ways in which the ABA and Garner implement their commitments to plain language in the law. Check out the fine print (reproduced on the next page) in the front matter to *Garner on Language and Writing*, a collection of essays written by Garner over many years and published by the ABA in 2009.

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How Bryan Garner wanted the statement to read: The essays in this volume represent the author's views—not those of the American Bar Association.

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