

**Writing for Dollars,
Writing to Please**

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Writing to Please**

**The Case for Plain Language in Business,
Government, and Law**

Second Edition

Joseph Kimble

CAROLINA ACADEMIC PRESS
Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Names: Kimble, Joseph, author.

Title: Writing for dollars, writing to please : the case for plain language in business, government, and law / Joseph Kimble.

Description: Second edition. | Durham, North Carolina : Carolina Academic Press, 2023. | Includes bibliographical references and index.

Identifiers: LCCN 2023027865 | ISBN 9781531024543 (hardback) | ISBN 9781531024550 (ebook)

Subjects: LCSH: Law--United States--Language. | Law--United States--Terminology. | Legal composition. | Government report writing--United States.

Classification: LCC KF250 .K535 2023 | DDC 340/.14--dc23

LC record available at <https://lccn.loc.gov/2023027865>

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

*For two boys named Axel and Jet Pierce —
and their G-Mom MaryAnn*

*And for this second edition, three girls
named Juno, Remi, and Kali Pierce*

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PREFACE TO THE SECOND EDITION

In the preface to the first edition, I said that these pages round out a large part of my life's work advocating for plain legal and official language. Well, a decade later, it seems that I wasn't quite done rounding out.

Every part of the book except part 1 has been revised to some extent. In part 4, I added ten historical highlights and updated many of the others. In part 5, I added summaries of ten new empirical studies on the benefits of using plain language. Incidentally, I first started collecting those studies in the mid-1990s, when I published an article in *The Scribes Journal of Legal Writing* called (of all things) *Writing for Dollars, Writing to Please*. I'm now done collecting. Sixty empirical studies should be way more than enough to make the case.

Besides the revision and additions, I've tried to improve the book by attending to the many URLs, the internet citations, which are, of course, notoriously unstable. To most of them, I have added "perma" citations in brackets. These are permanently archived citations that will never rot. In some instances, the internet source contained its own internal links, and to those I typically didn't add a perma cite. In a few instances, the URL in the first edition no longer exists. But I had printed off all the internet sources that I cited in the first edition, and I created a perma cite for each one; those perma cites do not appear in brackets. All that will explain why you will see most URLs with an accompanying perma cite, some URLs standing alone, and some perma cites standing alone.

If for some reason the URL doesn't work and there's no perma cite, you can Google the title and probably find it online, or you can trust me that all the information has been checked and double-checked — which it has.

Further to citations, I'll repeat a few points from the first edition:

- They generally follow legal-citation form. Thus, in “64 Clarity 5,” the first number is the volume, and the second one is the page.
- I tried to minimize abbreviations. The abbreviation “J.” stands for “Journal,” and “L. Rev.” stands for “Law Review.” If I used any other abbreviations, they should be common ones that will be obvious to readers.
- Although I did not provide URLs for most periodical sources, I did for selected sources that I thought were of special interest. Also, the journals cited most often are *The Scribes Journal of Legal Writing*, *Clarity* (now *The Clarity Journal*), and the *Michigan Bar Journal*, where the “Plain Language” column appears. You can find a complete collection of the two journals and the column by Googling “Scribes Journal,” “Clarity International,” and “Plain Language column.”

Finally, I have added an Index of Works and Authors Cited for this second edition.



As with the first edition, graduates of Thomas Cooley Law School or current students provided invaluable help. I am grateful to Sarah Doggett, Kristin Duffy, Aaron Hughes, Daniel Noble, Hope Teachout, and Sydney Wolf.

At places in the book, I thank my many teachers (page 4) and those who kindly helped with the historical highlights in part 4 (page 46). It remains to emphatically thank two loyal, longtime collaborators: Karen Magnuson, an incomparable copyeditor, who has worked on all the books and articles I've published for at least 20 years; and Patricia Schuelke,

who has typeset all the books. Lucky me to have had all this support.

PREFACE TO THE FIRST EDITION

These pages round out a large part of a life's work — as a teacher, speaker, and writer — campaigning for plain legal language. As noted in part 1, I've concentrated over the years on the writing guidelines that provide a route to clarity and simplicity, the false criticisms that stand in the way, and the mounting evidence that plain language pays off — considerably — in the end. In a sense, this book is a revised edition of previous writings on those subjects. The title itself is the title of an article in volume 6 of *The Scribes Journal of Legal Writing*, and the title of part 3 comes from an article in volume 5 of the *Journal*. Parts of those two articles, and other articles as well, are incorporated in this revised edition.

But the book is still new. I've reworked, rearranged, and updated much of the previous material. I've also added to it. Part 3 expands on the myths and realities. Part 4 is entirely new (and was quite an undertaking). Part 5 doubles the number of empirical studies that I reported on in earlier articles. In any case, I hope readers will like having this information all in one place.

Now, a few miscellaneous points:

- There is no index. This is not a book in which you'll be looking up topics and names. The detailed table of contents, the extensive headings and subheadings, and the occasional introductory notes should provide plenty of orientation.
- The references generally follow legal-citation form. Thus, in "64 Clarity 5," for example, the first number is the volume, and the second is the page. The abbreviation "J." stands for "Journal," "B.J." is "Bar Journal," and "L. Rev." is "Law Review." Other

abbreviations in periodicals should be fairly obvious, even to nonlegal readers. I did spell out some words that I thought might not be.

- Internet citations, URLs, are always a challenge. Besides being ugly, they come and go. But they were all last accessed in March 2012, and I printed off copies of all the shorter ones.
- Perhaps the two journals cited most often are *Clarity* and the *Michigan Bar Journal* (which publishes the “Plain Language” column). You can find most of those articles by running a Google search for “Clarity International” or “Plain Language column.” I’ve also added “available at” URLs to many of the citations, especially when it might not be obvious where to find an electronic version if there is one.
- I have copies of everything cited in the footnotes. If you need an item and can’t get it, I’ll try to send it to you on request (unless it’s a book).
- As a small concession to international preferences, I used periods with “U.S.” but not “UK” or “EU.”
- The book is not flooded with before-and-after examples. Short ones appear in appropriate places, and you can find longer ones to your heart’s content through the references — like those on page 5, note 2. There’s little justification these days for professing ignorance about what plain language looks like or for claiming that it can’t be done.



Four Thomas Cooley Law School graduates — Robert Webb, Kelly Stewart, Thomas Myers, and Rachel Glogowski — each spent loads of time helping with different aspects of this book. Their work was superb, and I’m heavily in their debt.

I owe others as well. Three readers — Annetta Cheek, Martin Cutts, and David Schultz — reviewed the entire manuscript and had valuable comments on page after page. Others read and greatly improved parts of the book: Joseph Spaniol, Robert Eagleson, Michèle Asprey, Ginny Redish, Karen Schriver, and Mark Cooney. Matthew Butterick offered many suggestions that sharpened the typography. And Karen Magnuson did her usual peerless job of copyediting. To all these friends and colleagues, my heartfelt thank-you for your contributions.

Finally, a word of thanks to Cindy Hurst, my assistant for more than 25 years. She keeps the work on track — with greater equanimity than I deserve.