

Readability and Plain English

Poverty Law - Fall 2024
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When?

- All written correspondence with clients!
 - Opening letters
 - Closing letters
 - Emails
 - Retainer agreement
 - Releases of information
- Even if you know your client cannot read English, they will likely give the letter to a family member or friend to read for them – plain English is still important for that person

Why?

- Roughly 50% of native English-speaking Americans are unable to read at the 8th grade level, 20% are only functional literate
- Even for those with higher levels of literacy, stress can limit a person's ability to digest information

Ethics

Minnesota Rules of Professional Conduct Rule 1.4 Communication

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(f), is required by these rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

How?

- Eliminate unnecessary words
- Eliminate unnecessary content
- Choose common, everyday words when possible
- Use active voice
- Avoid overly long sentences and paragraphs
- Use easy to read design techniques
- Personalize the writing (within reason)

Check Grade Level

1. <https://storytoolz.com/readability>
2. Microsoft Word -> Home tab -> Editor -> Document Stats

Goal: 5th to 6th grade reading level

[Sample Document](#)

Resources

- [Readability Checklist](#), Minnesota State Support
- www.writeclearly.org
- www.plainlanguage.gov
- Mass Legal Services:
<https://www.masslegalservices.org/library/directory/language-access/plain-language-readability>
- [Plain English Campaign: The A to Z Alternative Words](#), 201
- [Plain Language Guide](#), National Association for Court Management (Jan. 7, 2019)
- [The Dale-Chall Word List](#): commonly known 4th grade words.