

Re: intelligibility and clarity of texts and communications...

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- *From:* kleinecke@xxxxxxxxxxx
 - *Date:* 11 Mar 2006 10:05:20 -0800
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SabDor@xxxxxxxxxx wrote:

i'm interested in the above, especially in contexts of legal documents, consumer protection, standard contracts etc.

I not sure this will help, but to me it was enlightening as to the legal profession's attitude toward clarity in communication.

I was serving on a committee with a couple of lawyers and some other people trying to write a charter for a partnership of trusts and estates. After a great deal of fussing we worked out a scheme for our proposed methodology for assigning assets (all money) to the various partners in a general fashion. The method was quite complex.

I went home and wrote the proposed algorithm down in old-fashioned COBOL (the kind that was used back when they were still pretending that managers could read it). COBOL is a computer language and exotic to most people, but it does state financial processing procedures with absolute clarity. I proposed we write the COBOL algorithm into our legal contract.

The lawyers were appalled. As nearly as I can remember they said, "Why can't we just state the general principles and leave the details to be worked out later." Meanwhile, of course, they were filling the contract with their traditional boilerplate.

I have my doubts as to whether any great number of lawyers even want their texts to include clear communication.

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