

## On Critical Law Students' Attitudes Towards Plain Language

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### Abstract

The Plain Language Movement has had a lasting impact on legal drafting. It is now legally mandated in several countries, including the USA, Canada, Australia, New Zealand, and Finland. In Poland, civil servants are required to communicate with the public using plain Polish. Over 50 public administration offices in 2018 and more than 20 banks in 2021 signed the *Declaration on the plain language standard*. These institutions are committed to enhancing their employees' competence in clear communication, creating language standards that facilitate customer understanding, and promoting sensitivity to diverse needs.

This commitment extends to legal professionals as well. International law firms, public institutions, legislators, examiners, contract drafters, proofreaders, and legal English teachers are actively promoting plain language standards. Their collective efforts, regardless of the national language, culminated in the publication of the ISO Plain Language Standard ISO/FDIS 24495-1 in the summer of 2023. The benefits of improved communication are far-reaching: readers can quickly access essential information and use it to meet their needs.

Polish law students, studying legal English, resist embracing the new standards. They view them as a threat to their profession. These students prefer convoluted legalese, which they believe helps them earn money by explaining intricacies to clients. Interestingly, plain language was unfamiliar to them until university, where younger generations are introduced to this concept.

The paper will discuss the results of my research conducted among first-year law students at Kozminski University. Its aim was to:

- investigate students' attitudes towards plain English,

- check their ability to understand legalese as contrasted with plain versions of the same text, and
- understand why they prefer learning and using legalese to plain English.

The paper will also investigate potential strategies for addressing students' reluctance towards plain English and offer practical recommendations for developing and promoting this concept among future lawyers.

**Keywords:** teaching legal English, plain English, plain language, legalese, writing, drafting

## Introduction

I first heard about plain English around 15 years ago when I started teaching legal English at Kozminski University in Warsaw. Plain English seemed like a lifesaver for an inexperienced ESP teacher who was required to go and teach legal English classes overnight. At that time Kozminski Language Centre became the TOLES (Test of Legal English Skills) Examination Centre and we started to prepare our law students to sit TOLES examinations at the end of their obligatory legal English classes. At that time TOLES examinations evaluated candidates' drafting skills and at the TOLES Advanced level, almost 60% of points were awarded for open-ended written tasks. This meant that candidates with poor drafting skills would not be awarded a C1 or C2 certificate but only a B2 one.

The authors of TOLES books (Mason, 2021; Mason & Canham, 2021) and exam preparation materials designed by them based on research and feedback provided by London law firms that stressed that recent graduates lacked drafting skills. TOLES candidates faced two major challenges. They had to:

- be able to understand complex authentic legalese, which the examination tasks were based upon, and
- to explain and paraphrase its meaning using plain English clearly and accurately.

Little did I realize at that time how progressive and cutting-edge that exam and materials were back in the 2000s.

## 1. Historical Overview

History influenced the developments and evolution of the English legal language across the centuries. After the Norman invasion and the battle of Hastings in 1066, French became the language of legal documents in Britain for 300 years, although the people of Britain still spoke English which was never used in legal matters.

Before that period legal texts in Britain were drafted in Latin which possessed the status of the lingua franca of those times. Latin was introduced to Britain with the Roman invasion of 55 BC; however, it started to influence the language significantly with the spread of Christianity that began with the arrival of St. Augustine in AD 597. Later linguistic influences included Old English which was brought with the invasion of the Angles, Saxons and Jutes and Scandinavian impact with the raids of the Vikings in the VIII century. The first reform came with the “Statute of Pleading” (1362) which stipulated that:

all Pleas which shall be pleaded in [any] Courts whatsoever, before any of his Justices whatsoever, or in his other Places, or before any of His other Ministers whatsoever, or in the Courts and Places of any other Lords whatsoever within the Realm, shall be pleaded, shewed, defended, answered, debated, and judged in the English Tongue, and that they be entered and enrolled in Latin.

During the next decades English was adopted for more and more kinds of legal documents and statutes began to be written in English alone from 1489. However, the written records of common law cases remained in Latin until the Court of Justice Act of 1730 made English both the language of pleadings and the written record of cases in the courts of the United Kingdom of Great Britain.

Contemporary legal English in its pure form, the so-called legalese, still has features that derive from French and Latin and reflect the urge of many writers to sound sophisticated and educated using too many unnecessary, empty words. Generations of legal writers educated on legal texts drafted by other lawyers copy the antique, verbose style loaded with long sentences, bad punctuation, foreign syntax, archaic words, lists of synonyms, passive voice structures and technical vocabulary. They obscure the meaning, cause confusion and misunderstandings, and are “*wordy, unclear, pompous and dull*” (Melinkoff, 1963, p. 24) .

The first voices for reform can be found in documents dating back to 1845 when Lord Broughman postulated reforms not only in the substance of law but also in its language (Law Review, 1845, p. 405).

Stuart Chase is often quoted as the proponent of plain English who complained about “gobbledygook” in texts in his book *The power of words* published in 1953. The term “gobbledygook”, however, was already introduced during World War II by Maury Maverick, a former Texas congressman. Maverick, frustrated with the complex language used in meetings, issued a memo on March 30, 1944, criticizing this “gobbledygook language” and advocating for clear communication. He humorously threatened that anyone using jargon like “activation” or “implementation” would be shot. (Rawson, 2005)

The consumer movement of the second half of the twentieth century created the need for clear legal language that would be understood by laymen/non-lawyers/clients who expected to be able to understand what they signed at the first reading. New means of communication that emerged and developed during that time also nourished the necessity for lucid, accurate and understandable meaning in texts.

Martin Cutts (1998), a research director of the Plain Language Commission in the United Kingdom, defines plain English as “the writing and setting out of essential information in a way that gives a cooperative, motivated person a good chance of understanding the document at the first reading, and in the same sense that the writer meant it to be understood”.

### *The United States*

In 1972 US President Richard Nixon created plain English momentum when he decreed that the Federal Register be written in “layman's terms”. Soon after, in 1973, Citibank converted its promissory note to plain English which turned out to be a successful move not only in terms of their customers’ reception but also in terms of cost efficiency.

In 1978 US President Jimmy Carter issued Executive Orders intended to make government regulations cost-effective and easy to understand; however, they were rescinded by R. Reagan. Nonetheless, by 1991 eight states had passed statutes related to plain English.

President Obama signed the Plain Writing Act of 2010 on October 13, 2010. According to this law, federal agencies must communicate with the public in such a way that the public can understand and use it. On January 18, 2011, Obama issued a new Executive Order, *E.O. 13563 - Improving Regulation and Regulatory Review* which obliges the American regulatory system to make sure that their regulations are accessible, consistent, written in plain language, and easy to understand. To commemorate this day 13 October has been established Plain Language Day.

Although the US has made some progress in applying plain language to court rules, consumer contracts, and the federal government, the legislative drafting style remains largely traditional and conservative. (Williams, 2011)

### *The United Kingdom*

The first efforts to introduce a new style in the UK were made in the 1960s by Anthony Parker who published *Modern conveyancing precedents* (1964) which used ordinary English and were shorter but produced the same legal effect. Unfortunately, since that time very few authors of precedent books have followed suit.

The Plain English Campaign (PEC) was formally started in 1979 by Martin Cutts and Chrissie Maher after the latter, as a sign of protest, shredded government documents in public in Parliament Square. Since then, the Campaign has been active in fighting gobbledygook, jargon, and misleading public information.

Martin Cutts left the PEC in 1989 and formed the Plain Language Commission (PLC) in 1994. Both organizations offer the services of editing documents in Plain English and award their accreditation marks (PEC – the Crystal Mark and PLC – the Clear English Standard) to documents written in clear language.

Tax Law Rewrite is a project established in 1996 aimed at rewriting the UK's primary tax legislation into plain English without changing its meaning. All in all, eight acts have been redrafted

and are available on the Tax Law Rewrite pages. The redrafted legislation includes among others Income Tax Acts, Corporation Tax Acts, and Capital Allowances Act.

Civil Procedures Rules (for England and Wales) were implemented in 1998 to simplify legal proceedings, making them more accessible to the public and easier to understand for non-lawyers. The new Rules introduced new vocabulary. Some Latin terms were replaced with their Anglo-Saxon alternatives, e.g., “ex parte” with “without notice”, “inter partes” with “with notice”. Other replacements included among others: “child” instead of “minor” or “infant”, “claimant” instead of “plaintiff”, “application” instead of “summons” or “motion”.

Since 2004, the United Kingdom has embraced a more contemporary and straightforward style for drafting legislative texts, drawing inspiration from the practices of Australia and New Zealand. This shift involves minimizing the use of archaic terms, the passive voice, and the word “shall”, as well as eliminating gender-biased language.

In 2007, the UK made a significant stride towards inclusivity by declaring that all legislation enacted by Westminster would employ gender-neutral language, utilizing both male and female pronouns as appropriate, rather than exclusively male pronouns.

Furthermore, beginning in 2006, every new law enacted in both Westminster and Edinburgh has been accompanied by explanatory notes. While these notes are not part of the Act itself, they serve a crucial role in aiding readers in comprehending the legislation more effectively. This practice underscores the commitment to making legislative texts more accessible and understandable to the public.

Williams (2023) observes that over the last 50 years, the language of court judgments has seen relatively little change. However, some judges have begun to adopt a more engaging and personal style when addressing the parties involved. The sentences and judgments have become longer and more impersonal, possibly reflecting a shift from subjectivity to objectivity.

On the other hand, in the realm of contracts, especially those aimed at consumers, there have been notable changes. Consumers are now addressed with more approachable and inclusive language. Despite these changes, contracts still contain long sentences, unfamiliar here-/there-words, and masculine pronouns (i.e. he, his, him).

In recent years, the United Kingdom has been exploring ways to make legal texts more understandable by incorporating visual elements and digital tools into the legal domain. For instance, infographics and flowcharts have been used to explain complex legal concepts and processes, while timelines have been used to illustrate legal events or procedural sequences in a more accessible way for legal practitioners and laypersons alike.

The advent of online resources has played a pivotal role in this transformative endeavour. Interactive platforms, web-based tools, and digital repositories have made legal information more accessible, creating a more user-friendly experience for individuals engaging with legal materials. However, it is important to note that the widespread adoption and standardization of these innovative tools within the legal landscape are still in their early stages. The limited use of such applications highlights the existence of untapped potential and signifies a compelling area for future development, where collaborative efforts and interdisciplinary approaches may further propel the evolution of legal design and technology in the United Kingdom.

### *Australia and New Zealand*

Australia and New Zealand emerged as pioneers among English-speaking nations that adopted plain language standards in legislative drafting. This shift towards a more modern and straightforward style commenced in the late 1980s. The principles of plain language, or “clear drafting,” have been actively promoted through their websites and manuals.

These countries have not only implemented plain language standards for tax laws, consumer contracts, and other legal documents, but they have also exerted influence on other nations. Countries such as South Africa and the United Kingdom have been inspired to follow their example.

In addition to these legislative changes, Australia and New Zealand have been proactive in fostering plain language education. They have provided training for legal professionals, public servants, and students, and have supported research and publications in the field of plain language. Notable contributions include the journal *Clarity* ([www.clarity-international.org/](http://www.clarity-international.org/)) and the book *Plain language for lawyers* by [Michèle M. Asprey](#) now in its 4th edition published by The Federation Press in Australia (2010), which have significantly advanced the discourse on plain language in legal contexts.

## *The European Union*

The EU's first attempt to implement the recommendations of the Plain English Campaign was in 1982 when it published its *English style guide*. Its latest edition, updated in July 2023, makes references to *The plain English guide* by Martin Cutts (1999) and *Style: Toward clarity and grace* by Joseph M. Williams (1995). The Guide allows the use of bureaucratic and pompous "Eurospeak" in legislation and preparatory drafting, since "searching here for 'Plain English' periphrases wastes time and simply irritates readers" (2023: 4) which in the Guide authors' opinion contributes to clarity. The *Guide*, however, does not recommend using jargon in documents, such as leaflets or websites, addressing the public.

These recommendations seem to contradict the ones included in the *Joint practical guide for persons involved in the drafting of European Union legislation* which stresses that EU legal acts need to be clear and exact. This is important not just for democracy, but also to prevent disagreements and limited interpretations by the Court of Justice (2015:10).

In 2010 the European Union initiated a *Clear writing for Europe* campaign built on the *Fight the fog* campaign aimed at enhancing the clarity and readability of its documents, with a particular focus on English, which has emerged as the common language among its 24 official languages. The authors can get practical advice and access free online resources, e.g. *How to write clearly* booklet (2015) or *Clear English. Tips for translators* (2014). Despite these efforts, the outcomes have been less than satisfactory, with the drafting style exhibiting minimal changes since 1973. This highlights the challenges in implementing plain language principles in a multilingual and multicultural context such as the European Union.

Arianna Grasso (2023) analysed the main EU Competition Legislation to check whether they implement plain language recommendations published in the EU style guides. She used the most postulated criteria such as the length of the document and sentences, word order, nominalisations, abstract language, jargon, here-/there- words, legal Latin, passive voice, and shall. The analysis revealed a gap between the EU's declarations and the practice of drafting. Factors such as the older tradition of plain English outside the EU and the impact of Brexit, which removes a strong advocate for plain English, contribute to this gap. The EU is cautious and does not seem committed to promoting clear writing when the subject matter is complex.



## Poland

Great progress has also been made in the direction of plain Polish. Much has been said recently about plain Polish, the language recommended to all authors and institutions writing for the public. Since 2010, the Institute of Polish Philology at the University of Wrocław has been running the Plain Polish Lab, which investigates how accessible public communication is, analyses texts produced by public institutions, companies and corporations and trains plain Polish consultants and staff at various institutions.

The year 2012 marked the launch of a campaign entitled *Citizen-friendly Officialese*, an initiative of the Ombudsman, the Senate of the Republic of Poland, the Governor of Mazowieckie, the Head of the Civil Service, the Council for the Polish Language, the National Centre for Culture, and the Polish Language Foundation. The aim of the campaign is primarily to improve the linguistic awareness of users of official Polish, to increase the communicativeness of language in official written and spoken texts, to create standards of correct official Polish language, and to improve the linguistic competence of officials and their responsibility for effective communication.

Plain Polish aims to eliminate intricate, long, and unclear language constructions from scientific, governmental, and corporate texts. In 2018 and 2021, over 50 offices of public administration and 20 banks respectively signed the *Declaration on the plain language standard*. In 2024 there are almost 70 signatories on the list including four Polish public universities. This commitment obliges these institutions to enhance their employees' communication skills, establish language standards for customer clarity, and foster sensitivity to diverse needs. By signing the Declaration these institutions obligate themselves to write and design texts addressed to the public in such a way that it allows an average citizen to read and understand the text quickly, find the information they need and use the information for their purposes.

The Plain Polish Lab was the pioneer in addressing legal language, assisted the banks and helped them create the first plain Polish contracts (e.g., ING, Credit Agricole, mbank), documents shared with customers by insurers (e.g., PZU), public administration (e.g., National Insurance Institution ZUS, Civil Service), electricity providers (e.g., PGE). The Lab has also developed the Logios app ([logios.dev](https://logios.dev)) which helps drafters easify their texts and measure their readability. The first IT tool of this type was Jasnopis ([www.jasnopis.pl](https://www.jasnopis.pl)) which verifies how clear texts written in Polish are and helps easify them, now using ChatGPT technology.

## *Criticism of Plain Language*

Plain English has faced criticism for promoting simplicity, leading to accusations of producing simplistic, drab, kindergarten-like, and unsophisticated English, which is perceived to lack precision. According to Einstein, however, simplification is more challenging than complication, requiring a deep understanding of the subject for effective explanation (Cutts, 1993, 1998; Kimble, 1997) and requires effort and time invested in analysing, comprehending and redrafting texts.

Advocates of plain language argue that it enhances reader comprehension, allowing for faster information location and improved document understanding. Moreover, plain English documents are considered easier to update and more cost-effective, making them suitable for areas of law relevant to the public, such as employment, family, criminal, consumer protection, and inheritance.

Despite these advantages, plain English has faced opposition. Penman (1992) criticizes it for oversimplifying complex topics, making language too informal, and potentially compromising accuracy, nuance, or authority. She argues that it fails to capture the intricacy or sophistication of the law and may not align with the expectations or standards of certain audiences, including judges, lawyers, or academics.

Critics also question the priority given to plain language, suggesting it may not significantly improve legal communication's outcome or quality, considering the unclear definition, scope, or evidence associated with its implementation. Crump (2002) argues that plain English may not be suitable for all legal documents, differentiating between preservation and persuasion documents. Preservation documents are legal writings that need to be precise, complete, and secure, and do not require easy or quick comprehension, e.g. contracts, wills, affidavits, and pleadings. Persuasion documents are legal writings that need to be clear, concise, and appealing, and aim to convey information or arguments effectively, e.g. appellate briefs, letters, memos, and essays.

In response, Schiess (2005) contends that plain language does not necessarily oversimplify legal texts but aims to present complex ideas clearly and accessibly without sacrificing accuracy. He emphasizes its significant potential to improve readability and comprehension in various text types. Blasie (2023) highlights the potential limitations of plain language in complex legal documents,

suggesting it may introduce ambiguity and be less effective in enhancing consumer understanding, especially when literacy levels are low.

Resistance to adopting plain English may stem from inertia, fear of litigation, or a preference for traditional language among lawyers and businesses. Additionally, concerns about policy-infused decisions and potential conflicts related to the separation of powers may impede the implementation of plain language laws.

Professor Kimble (2012) summarizes criticisms against plain language, addressing claims of oversimplification, informality, and a lack of fit in certain contexts. He offers responses to these criticisms in his works, *Flimsy claims for legalese and false criticisms of plain language* (2020) and *Answering the critics of plain English* (1995).

## 2. Research Method and Results

To understand the attitudes of first-year law students towards plain language, I surveyed 16 first-year law students (eleven females and five males). The respondents follow a compulsory 180-hour English for Law course leading to the TOLES Advanced certificate examination. The hours of instruction are distributed in the following manner: first term – 40 hours, second and third term 60 hours respectively and fourth term – 20 hours. The entry level of their proficiency in general English is within the B2+/C1 spectrum. The course is based on *The lawyer's English language coursebook* (2021) and at the end students sit either the TOLES examination or a university final examination. The students participated in the survey conducted online using two questionnaires:

1. the first questionnaire (Part One) consisted of ten statements about plain language, and the students were asked to assess each statement on a scale from 1 (strongly agree) to 5 (strongly disagree).
2. the second questionnaire (Part Two) contained two, plain and legalese, versions of the same text and students were asked to indicate which version they found clearer and explain why.

The survey was carried out in the middle of the second semester of their studies after they had received instruction on what plain English was during their legal English classes with me and lectures with a native speaker proofreader. Earlier I asked my students to submit notes from the lectures with a proofreader as their homework assignment and one student started his homework with a sentence “My hatred for plain English has increased” which inspired me to carry out my

research for this paper. The comment resonated with a notable surge in the identification of right-wing ideologies among Polish youth, especially within the demographic of young men aged 18-24, where 40% declared such views, marking a historic high. (CBOS, 2021)

My research hypotheses were:

1. Law students who have been exposed to plain language instruction will have positive attitudes towards plain language.
2. Male students are more likely to prefer legalese than female students, reflecting a gender difference in political and ideological views.
3. Students who prefer plain language are more aware of the needs and expectations of their potential clients and the public, demonstrating a higher level of empathy and social responsibility.

### **3. Research – Part One**

Part One of the survey consisted of ten statements about plain language and the students were asked to assess each statement on a scale from 1 (strongly agree) to 5 (strongly disagree). The statements and the results were as follows:

1. I would like to learn how to write in plain English and use it in my academic and professional career.

Most respondents first heard about plain language during their university English classes. Overall, they exhibited positive attitudes toward plain language, agreeing that it makes information more accessible with most respondents expressing a desire to learn plain English. The generally positive sentiment corresponds to the core principles of plain language, emphasizing clarity and simplicity. Students seem to recognize the potential benefits of plain language in improving communication and comprehension. 60% of male respondents, however, neither agreed, disagreed or strongly disagreed with the statement.

2. If all texts were written in plain language, people would understand them and would not need lawyers to interpret the law or defend them in courts.

In general, students agreed that using plain language could diminish the need for lawyers' interpretation. They also acknowledged that plain language has the potential to boost public understanding and cut down the requirement for legal intermediaries.

3. The goal of plain English is to make information accessible to a wider audience.

Students strongly supported the statement. They comprehend and resonate with the primary goal of plain English, which stresses inclusivity and accessibility.

4. Plain language should be used in legal documents, government reports, and public administration communication with the public.

Students greatly concur with the idea that plain language is implemented in official documents. They recognize that plain language can be effectively applied in various situations, including legal and governmental communication. 60% of male respondents, however, neither agreed or disagreed or strongly disagreed with the statement.

5. Lawyers should use jargon which includes technical terms, abbreviations, and expressions that may be difficult for people outside of that group to understand. Only then they will be trustworthy.

The responses varied, with some showing disagreement. This analysis indicates a split in viewpoints, with some students questioning the idea that the trustworthiness of legal professionals necessitates the use of complex language. 40% of male respondents, however, neither agreed or disagreed or strongly agreed with the statement.

6. Using plain language in legal texts may oversimplify them or leave out important details.

The responses were mixed, with both agreement, expressed mainly by male respondents, and disagreement present. The students understand that there is a balance between making legal texts easy to understand and making sure they are comprehensive. All male respondents, however, neither agreed, disagreed or strongly agreed with the statement.

7. Plain language means baby talk or dumbing down the language.

Students strongly opposed the idea that plain language is the same as baby talk. The analysis revealed that students dismissed the criticism that plain language means dumbing down to the point of talking down to someone, showing an understanding of its true purpose. 40% of male respondents, however, agreed with the statement.

8. Writing in plain language requires skill and hard work.

Students endorsed the statement that emphasized the effort needed to write in plain language. The analysis showed that students understand that creating clear and simple communication requires skill and hard work, debunking the idea that writing in plain language is easy. 40% of male respondents, however, disagreed with the statement.

9. Plain language uncovers the ambiguities and uncertainties that dense, impersonal, convoluted legalese writing tends to hide.

Students strongly agreed with the idea that plain language uncovers ambiguities. The analysis suggests that students grasp the role of plain language in enhancing transparency by revealing complexities often hidden in traditional legal writing. 60% of male respondents, however, disagreed with the statement.

10. Plain language works better than traditional legalese, businessese, and officialese.

Students concurred that plain language is more effective than traditional styles. The analysis showed that students prefer the practical advantages of plain language, suggesting they believe in its enhanced ability to communicate. 60% of male respondents, however, neither agreed, disagreed or strongly disagreed with the statement.

Respondents were asked to compare two versions of communication from the Polish Tax Office. Version 1 was typical officialese jargon, while version 2 was much clearer as it used a friendlier tone, headings, and tabulation. In the survey Version 2 of the Tax Office communication was preferred among 100% of female respondents and 80% of male ones.

#### 4. Research – Part Two

The first text was an excerpt from a Partnership Agreement published in *The Lawyer's English Language Coursebook* (2021: 269) which is the students' leading course textbook. The plain English version was drafted by me.

##### *Clause 1 Version 1*

The “Partners” means all the individuals who are parties hereto at the date hereof and shall include from the respective dates upon which any other individuals by the addition of their names and addresses to the schedule annexed hereto such other individual or individuals and shall unless the context otherwise requires exclude any such individual being a former partner of the business who shall have ceased for whatever reason, to be a partner thereof.

##### *Clause 1 Version 2*

The term “Partners” refers to:

1. All current partners who are parties to this Agreement
2. Partners who will join the partnership in the future from the day their names are added in the Annex to this Agreement

The term “Partners” does not refer to:

1. Partners who leave the partnership for any reason.

Only one student preferred the legalese version 1.

The second text was authentic Article 7 of the EU GDPR Regulation, and its plain English version was drafted by me.

##### *Clause 2 Version 1*

The withdrawal of consent shall not affect the lawfulness of the processing carried out on the basis of consent before its withdrawal.

## *Clause 2 Version 2*

You can withdraw your consent to process your data at any time.

However, this means that until that moment, the company processed your data in accordance with the law.

In this case, 33% of the students preferred the legalese version 1.

### *Comments in favour of the plain English version*

Most comments expressed positive sentiments regarding the plain English version, emphasizing clarity, simplicity, and ease of understanding. Respondents appreciated the use of bulleted points, clear language, and a straightforward layout. However, a couple of comments used potentially derogatory terms, such as “understandable for a dumb person” or “better for someone who is possibly mentally disabled” which might reflect the lack of empathy and sensitivity.

### *Comments in favour of the legalese version*

The comments in favour of the legalese version highlighted its clarity, precision, shorter length for those familiar with legal language and formality, which for some respondents sounds more important. Some comments, however, express potential self-interest by stating that the complexity of legalese necessitates hiring lawyers, benefiting future legal professionals. Additionally, one comment presents a critical perspective on the widespread adoption of plain language in law, linking it to concerns about societal knowledge and control. The language used by some students can be considered disrespectful, e.g., “stupid”, “the society will be dumber”, “it makes me sick”. One comment contained strong opinions and criticized the promotion of plain language in the law, expressing dissatisfaction with political and fiscal trends. It suggested that making the law more accessible would lead to a less knowledgeable society and questioned the morality of using plain language in legal contexts.

## **5. Research findings**

Research findings provide support for each of research hypotheses:



1. Law students who have been exposed to plain language instruction will have positive attitudes towards plain language:

The results indicate that students generally exhibited positive attitudes towards plain language. For instance, a majority expressed a desire to learn plain English (statement 1), recognized the goal of plain English to make information accessible (statement 3), and acknowledged its potential benefits in various contexts, including legal documents and government communication (statement 4).

2. Male students are more likely to prefer legalese than female students, reflecting a gender difference in political and ideological views:

The results show variations in responses between male and female students. For example, in statements 1, 4, 5, 9, and 10 a notable percentage of male respondents expressed a neutral stance (neither agreeing nor disagreeing), indicating a potential hesitation or differing views. This suggests a nuanced gender difference, with male students showing more diverse attitudes toward plain language compared to their female counterparts.

3. Students who prefer plain language are more aware of the needs and expectations of their potential clients and the public, demonstrating a higher level of empathy and social responsibility:

The findings regarding the preference for plain language in real-world examples (Polish Tax Office communication) align with this hypothesis. Most students, especially females, preferred the plain language version, emphasizing clarity and accessibility. This preference suggests an awareness of the needs and expectations of the public, supporting the idea that a preference for plain language is associated with empathy and social responsibility.

It is important to note that while most respondents exhibited positive attitudes towards plain language, there were diverse opinions, and some expressed reservations or preferences for legalese. These nuances in responses provide a rich understanding of students' perspectives on plain language in legal communication.

## Conclusion

The outcomes of this survey have significantly enriched our understanding of how first-year law students perceive the use of plain language within their academic and professional spheres. By examining their attitudes towards plain language, the research has illuminated potential implications for the future of legal communication and the broader discourse on accessibility within the legal profession.

The survey uncovered an intriguing perspective among young, inexperienced law students, who seem to view legalese as a tool for building prestige and establishing a sense of superiority within society. The acquisition of legalese is perceived as an investment, providing a means of distinction from the general populace, and signalling affiliation with an elite group. This finding suggests that the preference for legalese may extend beyond linguistic considerations, encompassing sociopolitical dimensions related to conservatism and social identity.

Some comments from students hinted at legalese being entwined with political ideologies, reflecting a conservative mindset perceived as worthy of preservation. This ideological association may extend to various aspects of personal and social life, contributing to visible social polarization among students with differing political views, such as rightist and far-rightist positions among men and left-leaning tendencies among women in Poland.

Namely, as Polish Centre for Public Opinion Research informed in its report on *Political views of young Poles vs gender and place of residence* (CBOS: 2021) in 2015, a record-high percentage of youth identified with right-wing ideologies. This trend was predominantly driven by young men aged 18-24 years, with as many as 40% of them declaring right-wing views, marking the highest result in the history of our measurements. In large urban areas with populations exceeding 100,000, right-wing ideologies were particularly prevalent among young men, with 44% expressing such views. Notably, these areas exhibited the most significant disparity between the political leanings of young men and women. More than half of the young female residents (54%) expressed left-wing sympathies, while almost half of their young male counterparts (44%) identified with right-wing ideologies.

Poland is no exception. The same patterns of emerging gender divide among young men and women can be observed worldwide (Burn-Murdoch, 2024; Evans, 2024) with Gen Z individuals

diverging politically and ideologically from South Korea to Spain. Gen Z women tend to hold more progressive views while Gen Z men lean more conservative. The #MeToo movement, which empowered young women to speak out against sexism and misogyny, seems to have played a role. However, the data suggests that women are not merely becoming more liberal on gender-related issues. They also take more liberal positions on immigration and racial justice compared to young men. The divide is further exacerbated by the fact that men and women increasingly inhabit different online spaces and experience separate cultures due to smartphones and social media.

Despite resistance from some students, the research, however, underscores that plain English holds significant importance in commercial awareness, directly impacting students' employability. Academic environments, particularly university English classes, emerge as crucial platforms for introducing students to the concept of plain language and fostering clear and effective communication skills.

The survey results and student comments contribute to the ongoing debate surrounding the use of plain language in legal contexts. Students demonstrated an awareness of the challenges associated with employing plain language in specific situations, raising questions about the precision of plain texts in legal communication.

Certain comments revealed potentially derogatory terms, indicating a need for sensitivity when discussing the advantages of plain language without resorting to offensive language. As discussions around plain language continue, fostering respectful dialogue and understanding diverse perspectives becomes essential for effective communication and mutual respect within the legal community.

Comments favouring legalese were sometimes perceived as self-serving and disrespectful to those advocating clear and accessible communication. This highlights the importance of promoting a balanced discourse that considers the diverse needs and preferences within the legal community, encouraging an inclusive approach to language use. This also proves how the language of public debate deteriorated in Poland during the last eight years of conservative, right-wing government which brought a significant paradigm shift in its quality.

In conclusion, this research underscores the multifaceted nature of attitudes towards plain language, emphasizing the intricate interplay between linguistic preferences, sociopolitical

ideologies, and professional considerations within the evolving landscape of legal education and practice.

## **Recommendations for Legal English Classroom**

The research has revealed the significant role of the academic environment in shaping students' attitudes towards plain English and clear communication. Besides several key insights emerged such as the perceived prestige associated with legalese, the lack of empathy and respect for recipients of texts, the lack of flexibility and resistance to adapt to the changing environment.

Therefore, incorporating strategies to encourage and persuade law students to embrace plain English and address their reluctance becomes crucial. Here are some practical recommendations for the legal English classroom:

1. Incorporate real-world examples of good practice:
  - Introduce real-world examples of legal documents written in plain English and discuss their effectiveness.
  - Analyse contrasting before and after versions of legal texts, emphasizing how plain language enhances accessibility without sacrificing precision.
  - Suggest recognized references to read about plain English rules, developments and state-of-the-art in this area.
  - Curate and share reliable resource packs including authentic manuals, podcasts, lectures, website addresses, MOOCs promoting interactive learning, social media profiles, etc.
  - Explore online tools that allow students to collaborate on plain language exercises and receive immediate feedback.
  
2. Invite guest speakers and practitioners:
  - Invite guest speakers, including legal practitioners, e.g., lawyers, lawyer-linguists, and proofreaders who actively use plain language in their profession.
  - Conduct panel discussions or Q&A sessions where students can interact with professionals advocating for plain language in legal contexts.
  - Recommend events, e.g., conferences, congresses, webinars, and courses where students can develop their plain language skills.

3. Design case studies, projects, and group discussions and incorporate plain language principles into assignments:
  - Engage students in case studies involving legal communication, both in legalese and plain language depending on who their clients are.
  - Incorporate group projects that involve plain English drafting into your class syllabi encouraging collaborative learning.
  - Facilitate group discussions where students can evaluate the impact of language choices on comprehension and legal practice.
  - Provide constructive feedback, emphasizing the importance of balancing precision with accessibility.
  
4. Incorporate seminars or elective courses into your school curriculum:
  - Organize seminars, or elective courses on drafting legal documents in plain English.
  - Promote the idea of plain language among your school decision-makers.
  - Set up Plain Language Lab or Club which will spread the idea of plain language.
  - Convince your university authorities to sign “*The Declaration on the Plain Language Standard*” and put efforts to implement the standard in their documents.
  
5. Encourage Critical Reflection:
  - Facilitate opportunities for students to critically reflect on their attitudes towards language use in legal contexts.
  - Assign reflective essays or presentations where students articulate their evolving perspectives on the role of language in law.
  - Incorporate short drafting activities into each class or assign them as homework.

These recommendations aim to foster a positive attitude towards plain English and clear communication among law students. Plain English is not only a matter of style, but also a matter of ethics, respect, and social responsibility. Therefore, law students should be equipped with the skills and confidence to communicate effectively with their clients and the public. These recommendations aim to instil a lasting appreciation for plain language, empowering the next generation of legal professionals to communicate effectively and ethically in an ever-evolving legal landscape.

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