

Legal Usage: A Modern Style Guide

Peter Butt

Lexis Nexis

Reviewed by Joe Mullavey, Page Seager

In his preface to *Legal Usage*, Peter Butt relates a critique from Carl Felsenfeld that “Lawyers have two main failings. One is that they do not write well. The other is that they think they do”.

In *Legal Usage*, Butt seeks to address at least the first failing identified by Mr Felsenfeld. Whether he can really address the second remains to be seen.

Hoping to short-circuit the feedback loop in which junior lawyers inherit the “formal, academic, dense and sterile” writing practices of senior practitioners – and in turn pass that same style on to the next generation – Butt provides an accessible and systematic text aimed at improving comprehension in legal writing.

Butt catalogues the usage of hundreds of common legal topics, phrases and words, and scrutinises each, in a format similar to a ‘traditional’ legal dictionary. There is also useful commentary on many other issues that all lawyers will be familiar with and a comprehensive list of simpler words and phrases to replace “legalese”. However, the subject matter and utility of *Legal Usage* goes much further than that.

Legal Usage addresses the main things that are wrong with most legal writing. Butt advocates strongly for, and provides guidance on (amongst many, many others), topics such as:

- Plain English drafting – In this sense, “plain” does not mean “oversimplified”. It means using language that conveys your true meaning to the reader on the first reading.
- Use of the active voice – The active voice generally mirrors normal speech which leads to shorter, more direct sentences.
- Avoiding Latin – Latin, being a dead language, is not likely to be understood by any normal reader. It may also convey a false sense of precision. Aside from Latin phrases that have made their way into modern day English (such as “ad hoc”), there is normally no defensible reason to use Latin in any legal writing.
- Writing in short sentences – It is not uncommon for legal writing to contain sentences that stretch into the hundreds of words. Anyone who has endured such writing knows that comprehension is nearly impossible.

Overall, Butt’s text provides practical guidance on improving communication outcomes. The book is a useful resource for all students, lawyers and (dare I say) judicial officers. In a profession where communication is at the heart of almost everything we do, this book is highly recommended and should be a staple in the library of all universities, offices, chambers and firms.