

10-2015

# Know Your Audience: Writing to Non-Lawyers

Tenielle Fordyce-Ruff

*Concordia University School of Law*, [tfordyce@cu-portland.edu](mailto:tfordyce@cu-portland.edu)

Follow this and additional works at: <http://commons.cu-portland.edu/lawfaculty>

 Part of the [Legal Writing and Research Commons](#)

---

## CU Commons Citation

Tenielle Fordyce-Ruff, Know Your Audience: Writing to Non-Lawyers, *Advocate*, Oct. 2015, at 44.

This Article is brought to you for free and open access by the School of Law at CU Commons. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of CU Commons. For more information, please contact [libraryadmin@cu-portland.edu](mailto:libraryadmin@cu-portland.edu).

# Know Your Audience: Writing to Non-Lawyers

Tenielle Fordyce-Ruff

I spend a lot of time in my classroom teaching my students about audience traits and expectations. We learn about how legal readers read and use documents and how we can better prepare our writing to meet the purpose and expectation. This is the norm in the legal academy.

Practically, however, that means many attorneys leave law school with great training for writing to judges and attorneys, but not necessarily great training on writing to clients or non-lawyers.

So this month we will focus on a few tips to help you better craft your writing to meet the non-lawyer's expectations.

## Organization

Legal writing has a specific organizational paradigm (remember IRAC from law school?). But waiting until the end of a letter or email can be immensely frustrating to a reader who isn't used to this type of organization.

Instead, non-law-trained readers want the important information stated clearly at the beginning. Imagine the frustration of receiving a three- or four-page letter that begins with this issue statement when what you really want is to know the answer to your problem.

*Dear Client,*

*I am writing today in response to your inquiry as to whether an irrevocable trust with a spendthrift clause could be liable to the IRS when the primary beneficiary fails to pay his taxes. Below is my analysis.*

Setting up our writing this way simply frustrates the reader and fails to give them any context to understand how we reached our conclusion. Because non-lawyers expect to

understand the big picture at the start, make sure to include your big picture answer in the first paragraph.

*Dear Client,*

*You asked me to determine whether an irrevocable trust with a spendthrift clause could be liable to the IRS when the primary beneficiary fails to pay his taxes. My research reveals that the IRS could reach the principle of the trust, so the trust would be liable.*

## Word choice

This tip is harder than it sounds: Try not to sound like a lawyer.

Legal training is, in some ways, learning a new language and using new meanings for familiar words. That's why the cover of my *Black's* was torn by the end of my 1L year. Non-lawyers, however, don't have the benefit of three years of legal language training. It can read like Greek to them.

So, to help them understand, and to help you not sound like a lawyer, avoid legalese, use simple words, and pair down phrases. Below are some helpful charts you can use when editing to get you thinking about your word choice.

So, to help them understand, and to help you not sound like a lawyer, avoid legalese, use simple words, and pair down phrases.

## Omit or minimize citations

Not only was my *Black's* torn by the end of my 1L year, my citation guide was tattered. But remember, non-lawyers don't understand citation. To them, including citations in sentences or after sentences creates visual "bumps" that make it much harder for them to read and understand the information.

So it might not be important for the reader to have an exact citation. When deciding whether to include a citation, ask yourself if it is absolutely necessary for your reader to have the exact citation to the case or tax code provision that answers his question?

Legalese	
Instead of this	Use this
Same (as a pronoun)	It; the
Pursuant to	As we discussed; as we agreed
Common law	Court cases; judicial decisions
Cannon of construction	Rule; method of interpreting statutes
Said (as pronoun)	It; the
Herein	Here; in this letter
Aforementioned	This; that; named earlier
Forthwith	Immediately
Pray	Request
To wit	Namely
Such (as an adjective)	The; this; that
Negative (as a verb)	Negate
Gravamen	Crux; gist; burden

If the reader doesn't need the exact citation, you can be more general or omit citations entirely.

*According to the Blankenship case, only beneficiaries of the trust can sue the trustee for his actions.*

*The IRS has said that it will not consider student loan forgiveness as income.*

While these sentences would need citation when writing to a law-trained reader, a non-lawyer can better grasp their meanings without the citations. And if you determine that citations would be necessary, consider putting them in footnotes so that they don't interrupt the flow of your writing.

### Tone, tone, tone

Using the best tone can be a balancing act. You want to be conversational, but not too informal. You want to be colloquial, but not slangy. Strive to make your writing sound natural. At the heart of this tip is simple advice: Be less formal.

Of course, you still need to sound competent and professional. While the right tone is a matter of personal style, strive to sound a little more like you're talking to your client and a little less like you're writing to a court.

### Conclusion

"A lawyer should keep in mind that the purpose of communication is to communicate, and this can't be done if the reader or listener doesn't understand the words used."<sup>4</sup>

### Endnotes

1. Wayne Schiess, *Writing for the Legal Audience*, 40 (2d ed.); Bryan A. Garner, *The Redbook: A Manual on Legal Style*, 190-91 (2d ed.).
2. Bryan A. Garner, *The Redbook: A Manual on Legal Style*, 183-87 (2d ed.).
3. Bryan A. Garner, *The Redbook: A Manual on Legal Style*, 187-89 (2d ed.).
4. Bryan A. Garner, *The Redbook: A Manual on Legal Style*, 183 (2d ed.).

Simple Words	
Instead of this	Use this
Administer	Run; operate; manage; handle
Advert to	Refer to
Cognizant	Aware
Conjecture	Guess
Demonstrate	Show
Elapse	Pass; go by
Gainsay	Deny
Inception	Start; beginning
Indicate	Say; mention
Notwithstanding	Despite
Precede	Go before; come before
Supposition	Belief; idea; thought
Transmit	Send

Pair Down Phrases	
Instead of this	Use this
Am in receipt of	Have
At that point in time	Then
Enclosed please find	Here is; enclosed is
In reference to	About
In the course of	While
Commensurate with	Equal to; appropriate for
Have knowledge of	Know
Make a decision	Decide
Prior to	Before
Undertake an effort	Try
Pertaining to	About; on
With respect to; with reference to; with regard to	About; regarding
Take into consideration	Consider

Tenielle Fordyce-Ruff is an Assistant Professor of Law and the Director of the Legal Research and Writing Program at Concordia University School of Law in Boise. She is also Of Counsel at Fisher Rainey Hudson. You can reach her at [tfordyce@cu-portland.edu](mailto:tfordyce@cu-portland.edu) or <http://cu-portland.lice.com>.

