

TLP Five-Minute Read Over Coffee – Challenging blocking language

Challenging blocking language - and in this context legalese!

I have given some really interesting and lively workshops recently with legal professionals exploring how they can communicate with more clarity and simplicity. From our discussions - and an exploration of a whole range of legal documents - a distinction emerged between two types of language which I define as 'necessary nuance' and 'lazy legalese'.

➔ 1) Necessary nuance

There was clearly a necessary nuance to some of the legal points being made. What I mean by this is there were no easy short cuts to simplifying something that was either inherently complex or needed to be precisely defined.

There were also lots of technical terms that I did not know - and this felt legitimate. For example, we explored some clauses related to data protection and there was a clear need for them to explain a wide range of new terms and expressions - all of this felt ok!

➔ 2) Lazy legalese

There was a second category of language that did not feel ok. There were terms and expressions - particularly sitting in contractual clauses I saw - that felt redundant and stylized. Rather than adding value - this language made the legal points being expressed more dense and inaccessible. A number of my participants argued forcefully that this type of language was both expected and established in the legal world. I felt, respectfully, that this justification, did not feel good enough for me. As a normal person with reasonable intelligence - it simply made understanding the document much more difficult

💡 The opportunity

I felt there was a great opportunity here. To replace some of this legalese with language that helped 'non experts' like me - better understand what was being

said. This opportunity goes to the heart of what you look for when receiving legal advice (or any other form of professional advice) - expertise and crucially an ability to clearly explain that expertise in language that makes sense to you.

I also think it provides a challenge to me as the 'normal person' in this exchange - which is to avoid being 'small'! To pretend you half understand something when you don't or to meekly accept that not knowing is ok because they are the experts after all!

Please do get in contact with any questions - toby@tlp.lu and I wish you a very good start to the week.
