

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today, we're going to talk about the Seven C's of basic legislative drafting. What are the Seven C's, and what they have to do with legislative bill drafting?

During this time of pandemic, I've been researching and reading quite a bit about legislative drafting and studying some of the materials that are out there available to the public.

Athabasca University, out of Alberta, Canada, actually has a Graduate Diploma in Legislative Drafting. In this post-JD program, they teach graduate law students about these Seven C's. The program there, their graduate diploma program, uses the Seven C's as guidelines for successful legislative drafting.

What are the Seven C's? The first is Capable of being complied with. The second is Clear. The third is Comprehensible. The fourth is Concise. The fifth is Complete. The sixth is Consistent. The seventh is Certain.

These Seven C's come from addressing the seven standards that these folks have determined that users of statutes and legislative measures expect when they read the law. What are these seven standards? Of course, they line up with the Seven C's.

First, tell them what they want to know, i.e., Capable of being complied with. Second, they're easy to read and understand, i.e., Clear. Third, they are not obscure, i.e., Comprehensible. Fourth, they use the shortest space, i.e., Concise. Fifth, they deal with all the necessary points, i.e., Complete. Sixth, they contain no contradictions, i.e., Consistent. Seventh, they leave no doubts, i.e., Certain.

Now that we know the Seven C's and what they establish goals for legislative drafters, how are they practiced? In the graduate diploma course at Athabasca University, basically, prospective legislative drafters are taught to engage in seven basic practices to achieve the goals of the Seven C's.

First is to analyze and plan. This basically means the drafter has a solid idea of what he or she needs to communicate when beginning to draft the legislative measure.

This requires having knowledge about the background of the bill proposal and its policy rationale, as well as an understanding of existing law. The drafter has explored different options for addressing the public policy goal of the legislator and has outlined the structure of the measure's provisions to be drafted.

The second thing is to provide a rational structure to the text of the measure. This means that the contents of the legislative measure are well organized and that the statute will flow in a logical and understandable way for the reader. This also requires the key aspects of the measure be readily identifiable and easily understood by the reader of the statute.

Third, follow legislative drafting standards. This means that the drafter of the measure needs to follow the legal requirements, the drafting style, and other standards in his or her jurisdiction.

Fourth, use an effective writing style. This means that the bill drafter focuses on those Seven C's and works to make sure that the legislative measure is easy to read and understand. The drafter also needs to write in Standard English, follow the rules of proper grammar, and, of course, use simple and concise legislative sentences.

The fifth is to choose a good presentation. This means that the legislative text needs to be easy to digest. The drafter should include short sentences, appropriate paragraphs, all in an effort to ensure the reader is able to easily read and understand the legislative text.

Sixth, provide aids to finding and using the text. This means that the bill drafter makes it easy for the reader to find their way around the legislative text. For example, this might include appropriate section headings as well as organizing the provisions of the statute into a logical, straightforward manner.

Then seventh is to check and recheck and scrutinize. This basically means that the legislative drafter is going to review each version of their bill text, looking at the text as though they're a first-time reader.

They want to make appropriate improvements. They want to address any required changes. They might eliminate any unnecessary details. They adjust to using shorter sentences or, certainly, removing any superfluous words.

Basically, the approaches that are recommended in the graduate program at Athabasca University will hopefully help develop skilled legislative drafters and enable attorneys to craft legislative measures that achieve the Seven C's.

So that laws are more understandable and that they can be more readily complied with by those who are regulated by them and, of course, interpreted in the manner in which the legislative sponsors had intended.

That's a look at the Seven C's of basic legislative drafting. I hope you found this podcast helpful. Thanks for joining.