

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is a brief look at making legislation more readable.

One of the issues that's often discussed in legislative drafting is how to make legislation more readable. In other words, how to make the text of legislative measures easier to understand by those who are reading it, those who are subject to the law, or those who need to administer or even interpret it.

As part of Athabasca University's graduate diploma in legislative drafting - a university out of Alberta, Canada - students are provided some suggestions to make legislation more readable, including providing overviews, following standard writing practices, using standardized language, and even using diagrams or similar modes of communicating information.

Now, in terms of providing overviews, some drafters argue that it's easier for readers to understand the relationship between statutory provisions and detailed requirements of a series of rules if the readers have, basically, a framework for what is coming - what they're about to read. How can the drafter achieve this? For example, a statutory scheme could contain a purpose clause, or even headings or section notes. Again, all of these could act to provide an overview to the reader of what's coming forth in the legislative text.

While legislation generally doesn't explicitly state the principles that serve as the basis for the particular law, there are some laws that contain preambles, or even some long titles, that can generally provide an overview or a guide to the reader. These purpose clauses, for example, which are sometimes referred to as statements of legislative intent in a number of jurisdictions - including California - they're used to state the purpose of the legislation that's being considered. These clauses often provide an introduction to the legislative language to be found.

Headings and section notes are sometimes used by legislative drafters in an effort to provide a one word, or short, title to the forthcoming section of law. These headings can also assist the reader in finding relevant provisions. In other words, instead of having to review an entire text of a statute, particularly lengthy ones, they can readily look at the headings and determine which section or sections they want to read, or that might be applicable to them.

Legislative drafters also use several standard writing guidelines to present the text of legislation, such as using the present tense of verbs, using the active voice; these all contribute to having a better understanding of the legislative text. Drafters should also avoid the uses of provisos that create too many exceptions or qualifications to a general legal rule.

The other important guideline for making legislation more readable is to use standard language that's known to the general public and that's in common usage. In addition, legislative drafters should generally avoid, you know, old words, Latin words, other forms of legalese. All of the modern drafting standards are intended to assist readers of legislative measures once they're implemented by drafters of these measures.

Hopefully, taking all of these into account, drafters will in fact be able to make legislation more readable for individuals.

Thanks for joining today's podcast. I hope you enjoyed it.