

INPLAIN ENGLISH

BARRY DAVIES, PRACTICE DIRECTOR



ABOUT

Barry Davies
Practice director
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Revenue: £3.5m

Corporate status: Limited company

30 fee earners, 50 total staff

Offices: Swansea, Mumbles, Cardiff, Porthcawl

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While looking at our firm's promotional materials recently, I realised that one of our straplines graphically emblazoned 'jargon-free legal advice'. Which led me to wondering if this is actually true?

The legal profession is still classed by many as being a little stuffy, and the use of ancient terminology makes it very difficult for laypeople to understand. It's human instinct to be reluctant to admit you don't understand something. So, in the past, when a lawyer said 'we shall contact the plaintiff regarding the affidavit', most lay people would just nod and go with the flow, not understanding what on earth that means.

So, what place does legal jargon have in the future?

Firstly, there's the generational impact. I recently overheard a younger lawyer say, in a telephone conversation with a client, about a property matter, 'you will need to send a balance of two grand on Friday'. It raised my eyebrows, as I know some partners would have reached for the phone to apologise for the use of such casual language. Generation Y (and even more so Gen Z) lawyers are digital natives and as a result will expect things to be more digitally focused and up-to-date.

The next factor would be the inevitable loosening of non-reserved legal activities and the heavily diluted Code of Conduct, which may lead to some legal advisers not being trained through traditional routes. This could lead to less jargon being used. The SRA has stated that the new code will reduce complexity and improve flexibility, mainly from a cost of compliance perspective, but this will also reduce the amount of 'jargon'.

Lastly is the impact of artificial intelligence (AI). While a vast number of lawyers will say 'never in my day' to its adoption, it has been on the horizon for some time. Such systems may still retain the use of legal terms that date back centuries, but can interpret and churn them out in a language that is widely understood. IBM

developed their super computer Watson some years back and has since released the legal AI computer Ross. AI technology was used by the Serious Fraud Office in a recent criminal case and the system was 2,000 times faster than the human process they had previously engaged. This equated to half a million documents a day. The SFO has stated it will continue to use such systems in future and has done so for what are likely to be bigger cases.

Alan Siegel delivered a TED talk many years ago on the simplifying of legal jargon. He was responsible for reducing large agreements for multinationals to just a few pages and campaigned for

the use of plain English. It could be argued that it is not just the legal sector that needs to be alive to this but the corporate sector overall. There are too many 'moving forwards' and 'moving the goalposts' in the working day for my liking.

Because of the nature of law, there is always going to be a need for some degree of sector-specific jargon, and it would take a very long time for the machines to take over.

On a lighter note, I attended a marketing seminar hosted by the ever-entertaining David Gilroy, where he played 'lingo bingo' by making use of certain phrases in his presentation. Quite simply, you score points when certain jargon words are mentioned. The winner is the first person to have none left. If you have never played this game I urge you to do so in your office presentations as they will be listened to with greater intensity! **LPM**