

# clarity2010

Lisbon, Portugal

## seminar program

12 october



A Clarity event



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ANTENA 1

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09:00 | registration

09:30 - 13:00 | morning seminars

Room 1	Room 2	Room 3
<p><b>Law</b></p> <p><b>Peter Butt (Australia)</b> Teaching plain language to lawyers and students: experiences from the classroom</p> <p><b>Christopher Balmford (Australia)</b> The voice of a law firm's brand</p> <p><b>Nicole Fernbach (Canada)</b> Plain legal French in Canada and in the world: linguistic and legal challenges</p> <p><b>Eamonn Moran (Hong Kong)</b> Mixing the new with the old: a plain drafter's nightmare</p>	<p><b>Business &amp; finance</b></p> <p><b>William Lutz (USA)</b> Plain language and transparency in financial disclosure documents</p> <p><b>Candice Burt (South Africa)</b> How plain language is implemented depends on why it is implemented</p> <p><b>Anne-Marie Chisnall (New Zealand)</b> Plain English for auditors – bringing clarity to New Zealand's Office of the Auditor General</p> <p><b>Martin Cutts (UK)</b> Ten easy tactics for clear writing</p>	<p><b>Health &amp; social services</b></p> <p><b>Susan Kleimann and Karen Baker (USA)</b> Building a plain language culture in health care organizations</p> <p><b>Karel van der Waarde (Belgium)</b> Information about medicines: legal and visual arguments</p> <p><b>Caroline Jarrett (UK)</b> Design and writing tips for complex forms</p>

13:30 | registration

14:00 - 17:30 | afternoon seminars

Room 1	Room 2
<p><b>Government</b></p> <p><b>Annetta Cheek (USA)</b> Plain language and the art of the possible</p> <p><b>Jaclyn Hill and John Geiger (USA)</b> LA Confidential – implementing a plain language program in the County of Los Angeles</p> <p><b>Neil James (Australia)</b> Persuading the public sector to invest in plain language</p> <p><b>Anne-Marie Hasselrot and Eva Olovsson (Sweden)</b> From style guides to legislation – the Swedish approach to clarity</p>	<p><b>Workshop</b></p> <p><b>Candice Burt (South Africa)</b> Write clear legal documents: a plain language workshop</p>

**All sessions will be presented in English or Portuguese, with simultaneous translation.**

**Professor Peter Butt (Australia)**

**Teaching plain language to lawyers and students: experiences from the classroom**

The practice of plain language has developed over the past 20 years. So have the ways of teaching it. Come on a personal journey with Peter Butt, as he tells how he has changed his approach to teaching plain-language skills to law students and lawyers over that time.

**Peter Butt** is Emeritus Professor of Law at the University of Sydney. Peter is a past president of Clarity, and was co-founder of the Centre for Plain Legal Language at the University of Sydney. He has given workshops on plain language legal drafting in many countries. He teaches a post-graduate course in legal drafting at Sydney University. He has held visiting professorships in the UK (Bristol and Cambridge) and the USA (Vanderbilt). Peter has written two books on legal drafting, and is a co-editor of the *Australian Legal Dictionary*. He has also written a number of books on property law. He writes a monthly property law column in the *Australian Law Journal*.

**Christopher Balmford (Australia)**

**The voice of a law firm’s brand**

When someone reads a law firm’s document, it is a moment of truth for the firm’s brand. The moment:

- matters for the reader – otherwise they wouldn’t be reading the document; and
- matters for the firm because the style and tone of the document help to create and reinforce the firm’s brand in the mind of its reader – whether the reader is a client, a competitor, a staff member, a regulator, a judge... or beyond.

So the style of a law firm’s documents (or any organisation’s documents) needs to authenticate the claims the firm makes about itself – perhaps those claims are about client service, transparency, or innovation.

Many documents sabotage the brand of the organisations that produced them. But clear documents help to enhance an organisation’s brand – that’s true for every organisation from a law firm, through an insurance company, to a government department.

**Christopher Balmford**, a former lawyer, is the founder and managing director of:

- Cleardocs, an online business providing ‘ready-to-sign’ legal document packages in Australia and the UK – the hallmarks of the Cleardocs brand are ‘clarity, simplicity, and ease of use’
- Words and Beyond, a plain-language training and rewriting consultancy in Australia (Sydney and Melbourne) which helps organisations to develop cultures that value and deliver clear communication.

Christopher is also the President of Clarity.

**Nicole Fernbach (Canada)**

**Plain legal French in Canada and in the world: linguistic and legal challenges**

The need to communicate better and the right to understand the law have long been acknowledged by French-speaking lawyers, both in civil and in common law jurisdictions. The plain English movement and the issues it raised for the past 30 years have made it difficult to avoid a comparison between the concept of clarity in law, in both languages and legal systems. For that purpose, we will need to distinguish between legal French in Europe, in Canada and in the world, in order to assess the similarities and differences in the evolution of the linguistic standards. The seminar is an opportunity to analyse the best practices in legal French, used by lawyers and drafters searching for clarity of expression, structure and design.

**Nicole-Marie Fernbach** has a bachelor’s degree in Law and a bachelor’s degree in English Literature (Université de Bordeaux, France, 1971), and a master’s degree in Law (Université de Montréal, 1987). Formerly a legal reviser, at the Translation Bureau of the Secretary of State of Canada (1975-1982), Nicole is a Certified Translator (OTTIAQ). She is also the founder and owner of Juricom and has taught legal translation and legal writing for more than 30 years. She is the author of articles on clear legal writing and a book entitled *La lisibilité dans la rédaction juridique au Québec* (1990) and the founder of the Centre International de Lisibilité, Montreal.

**Eamonn Moran (Hong Kong)**

**Mixing the new with the old: a plain drafter’s nightmare**

Just about every jurisdiction’s statute book contains laws dating from centuries ago. These laws were written in the style of their times and do not accord with modern plain language drafting standards. There is a need, of course, to amend these laws from time to time to address a new concern or implement a changed policy. It is not always practicable or politically acceptable to rewrite the whole law. An amending exercise may be the only option. This process then creates a dilemma for policy makers, law drafters and law makers. Should you compromise modern drafting principles to produce an amendment that fits better within the context of the whole document? Is there an argument that not to do so may lead to arguments about whether something carries a different meaning merely because the same concept is expressed in a different language?

We will look at some examples of this dilemma. The relative merits of maintaining consistency in modern drafting techniques and conforming with the existing context will be discussed. We will also discuss possible approaches to assist with maintaining consistency in modern practice including making use of publicity and by the enactment of special interpretative provisions.

**Eamonn Moran** is Law Draftsman in the Department of Justice of Hong Kong, and a Member of the Law Reform Commission of Hong Kong. He has held these posts since January 2008. He has 36 years experience in legislative drafting, including eight years as Chief Parliamentary Counsel in Victoria, Australia. He has extensive experience in teaching and presenting on legislative drafting and statutory interpretation, and has had a long interest in the adoption of plain language techniques in legislative drafting. He has been President of the Commonwealth Association of Legislative Counsel since 2007.

**William Lutz (USA)**

**Plain language and transparency in financial disclosure documents**

‘We will be candid in our reporting to you, emphasising the pluses and the minuses important in appraising business value. Our guideline is to tell you the business facts that we would want to know if our positions were reversed. We owe you no less... We also believe candour benefits us as managers: the CEO who misleads others in public may eventually mislead himself in private.’

Warren Buffett wrote this in the 1983 Berkshire Hathaway annual report.

Would the current financial crisis have occurred if all those financial institutions had followed this advice? All the financial institutions complied with all the regulations for disclosure. But that is the problem. Institutions were disclosing, but they weren't communicating. For the future we must have not disclosure but transparency through clear communication.

**William Lutz** is Emeritus Professor of English at Rutgers University in New Jersey and an attorney. He is the author or co-author of 17 books. He has worked for over 20 years in plain language. In 1989 he helped prepare the US Securities and Exchange Commission's *Plain English Handbook*, and in 2009 he prepared a report for the SEC on how it could modernize its disclosure system.

**Candice Burt (South Africa)**

**How plain language is implemented depends on why it is implemented**

The financial services industry in South Africa has suffered the heaviest regulatory burden under the new protectionist laws in the past fifteen years. However, plain language was adopted as a business objective in some companies even before the legislation compelled its use. This case study will compare the different approaches of two financial services companies for implementing plain language.

The first company is a major long-term insurer that engaged Simplified in 2004. Faced with product complexity and jargon, few of its consumers could understand its documents. Regulators were taking a hard line against insurers and increasingly more dispute resolution went the way of the consumers. This compounded the decreasing levels of trust in the industry. This long-term insurer wanted to tackle these issues head on and commit to producing documents in plain language.

The second company in the case study is a major bank in South Africa. Compelled by recent legislation to communicate in plain language, the bank first approached Simplified in November 2009. Internal processes meant a delay of some eight months before any work could start. Now with the 24 October 2010 deadline looming, the bank has no opportunity to conduct the research required for full compliance. A ‘phased compliance’ approach has been adopted which has an impact on how practitioners tackle the job.

**Candice Burt** is a plain-language lawyer. She is a director of Simplified, a training and consultancy firm in Johannesburg. She is also the South African representative of Clarity.

**Anne-Marie Chisnall (New Zealand)**

**Plain English for auditors – bringing clarity to New Zealand’s Office of the Auditor General**

Anne-Marie Chisnall shares the goals, activities, and results of a successful plain English project at New Zealand’s Office of the Auditor General. The project included all of the elements needed to persuade busy, highly skilled auditors to think differently about their writing style and produce clear, reader-friendly audit reports. The project has run for three years, creating a wealth of information to share. This case study:

- covers financial, legal, and government writing, in a compliance environment
- reflects on the challenges associated with convincing mature, highly skilled, professional people to examine their way of communicating and think a little differently
- includes a custom-built plain English standard that is the foundation for many other activities.

**Anne-Marie Chisnall** is a trusted advisor to a wide variety of clients in both the public and private sectors in New Zealand. She joined Write Limited in 2005 and became manager of Write’s Document Clarity Team in early 2009. As a plain English specialist, Anne-Marie leads or works on all types of document clarity projects, including document redrafting, document assessments, document audits, user-testing projects, style guides, and more. Much of her work involves complex, legal, or highly technical documentation.

**Martin Cutts (UK)**

**Ten easy tactics for clear writing**

In this session, we’ll apply my top 10 tips to three real writing examples:

1. Understand your subject so well that you really know what you’re trying to say
2. Envisage your audience
3. Regard long sentences as crimes against the reader
4. Reduce strangeness
5. Put the horses before the cart
6. Be more verby than nouny
7. Punctuate properly
8. Examine every word of three or more syllables
9. Avoid multiple negatives
10. Reduce dross.

**Martin Cutts** is author of *The Oxford Guide to Plain English* (OUP, 2009), which includes a chapter on legal language. He’s also author or co-author of several books showing how legalistic language can be clarified (all on free download under ‘Books’ at [www.clearest.co.uk](http://www.clearest.co.uk)). Martin co-founded the UK’s Plain English Campaign in 1979 and was a partner there till 1988. Since 1994 he has been research director of Plain Language Commission, a UK-based editing and training business dedicated to clear writing. Though not a lawyer, he runs writing courses for law firms. He speaks a wholly useless form of sub-tourist Portuguese.

**Susan Kleimann and Karen Baker (USA)****Building a plain language culture in health care organizations**

Building a plain language culture is a major undertaking at any time, but a corporate setting presents a special set of challenges.

For this panel, Dr Kleimann invites Karen Baker of Healthwise to discuss the organization's history, strategies, and programs to build and sustain a corporate culture of plain language. This presentation will address typical pitfalls and challenges and suggest steps for others to take.

**Susan Kleimann**, President of Kleimann Communication Group, has over 30 years of experience providing thoughtful technical communication expertise to numerous organizations. She has led transformative research, design, and organisational process projects related to public policy documents with high visibility and far-reaching impact for multiple government agencies. She served as the Director of the Document Design Center at the American Institutes of Research, the first Executive Director of the Center for Plain Language, and Chair of the Center's first ClearMark Awards.

**Karen Baker**, Senior Vice Presidente of Healthwise, shas always believed that information has the power to make a difference. This former journalist, who was copy editor at Chicago Sun-Times and executive editor at the Idaho Statesman, has helped Healthwise to embrace plain language across the enterprise.

**Karel van der Waarde (Belgium)****Information about medicines: legal and visual arguments**

Information about medicines, as it appears on medicine packs and in package inserts, is strictly regulated. In Europe, in order to market a medicine, it is obligatory to adhere to regulations, guidelines and templates. These documents prescribe the contents, and provide advice for writing, designing and testing of package leaflets and packaging. Unfortunately, this is not considered from the perspective of the patient, nor from the perspective of 'best practice' in fields like 'plain language', 'document design' or 'information design'. Poor information about medicines leads to increased costs, increased numbers of mistakes and fatalities, and high waste.

Research shows that information about medicines can be improved. Some of this can be within the current regulatory framework, other modifications show the limits and boundaries of the legal construction.

**Karel van der Waarde** studied graphic in Eindhoven (the Netherlands), Leicester (UK) and Reading (UK). In 1995, he started a design and research consultancy in Belgium specialising in developing and testing visual information. The main focus is on information about medicines for patients, doctors and pharmacists. This requires observational studies, prototyping and testing as well as lobbying and publishing evidence-based information. Karel frequently publishes and lectures about visual information. Avans Hogeschool (Breda, The Netherlands) appointed him as a scholar in Visual Rhetoric in 2006. He is moderator of the InfoDesign and InfoDesign-Cafe discussion lists.

**Caroline Jarrett (UK)****Design and writing tips for complex forms**

Much of the published advice on designing forms is aimed at simple forms for everyday tasks, such checking out on an e-commerce site or signing up for a web site. What happens when the forms are complex ones? Is the advice relevant, or not?

In this workshop, Caroline Jarrett will share design tips for complex forms based on her experience of working on complex legal, tax, and insurance forms. Join her to find out about:

- **Relationship:** organisation's need for the data gathered by the form compared to the user's aims in filling out the form. Are these in balance? How can you find out what is really necessary and important for the future, compared to what has happened in the past?
- **Conversation:** the question-and-answer sequence that makes up the main part of the form. What can we do to support users so that they answer the questions accurately? No-one ever said 'I wish this form had longer, more complicated instructions' – but how can we make sure users have the information they need to make appropriate decisions as they fill in the form?
- **Appearance:** Complex forms are often long and ugly as well – but they don't have to be that way. We'll think about how to organise complex forms into sections and how to make them as attractive as possible.

**Caroline Jarrett** has worked on improving the usability of complex forms since 1992. She is particularly interested in the challenges offered by tax and legal forms. Caroline is co-author of *Forms that work: Designing web forms for usability* and *User Interface Design and Evaluation* (both published by Morgan Kaufmann).

**Annetta Cheek (USA)****Plain language and the art of the possible**

For the past several years, US plain language advocates have been campaigning to get the US Congress to pass a law requiring federal agencies to use plain language in public documents.

The path to a successful Congressional campaign is long and convoluted. Dr Cheek will discuss how she worked with national legislators to get their support for plain language. She will also discuss how to promote plain language in a public sector agency and build the systems and culture essential to make it work.

**Annetta Cheek** is an anthropologist with a PhD from the University of Arizona. Her 25-year US Federal government career focused on writing and implementing regulations. She spent four years as the chief plain language expert on Vice President Gore's task force for reinventing government. She was the chair of the federal interagency plain language advocacy group, PLAIN, since it was founded in 1995 until she retired in 2007, and administered the group's website, [www.plainlanguage.gov](http://www.plainlanguage.gov). She is now the Chair of the board of the Center for Plain Language.

**Neil James (Australia)****Persuading the public sector to invest in plain language**

This seminar will examine what motivates public sector agencies to adopt plain language and what factors lead to success or failure. It is based on a Plain English Foundation survey of 30 government agencies in Australia.

The survey findings show that, despite considerable diversity between the organisations involved, a successful reform program goes through several common stages: initiation, introduction, authorisation, critical mass and consolidation.

Understanding each stage is vital for agencies wanting to introduce plain language, as the work needed can differ markedly as a program progresses. The case studies will illustrate the specific program elements that agencies will need to work with in each stage. In particular, the survey sought to identify the 'threshold' factors, without which a plain language program will not succeed. It found that maintaining executive support and demonstrating the impact at each stage are crucial if an organisation is to permanently shift its culture to plain language.

**Neil James** is Executive Director of the Plain English Foundation in Australia, which combines auditing, editing and training with a campaign for more ethical and effective public language. Neil recently published *Writing at Work* and is currently chair of the International Plain Language Working Group.

**Jaclyn Hill, John Geiger and Ruth Wong (USA)****LA Confidential – implementing a plain language program in the County of Los Angeles**

LA Confidential is the true story of a five-year campaign by the County of Los Angeles, through its Quality and Productivity Commission, to implement plain language initiatives and programs. Los Angeles is the largest County in the United States, with a highly-diverse population of over 10 million residents, and a governmental work-force of over 100,000 employees spread over thirty-nine different departments. This is a case study filled with strategic examples in overcoming political, financial, cultural, and at times, psychological impediments to plain language.

**Jaclyn Tilley Hill** is Chair Emeritus of the Los Angeles County Quality and Productivity Commission. Since 2004, she has championed the County's Plain Language Initiative resulting in better communication with the public. The program won a 2009 National Association of Counties Achievement Award and was recognized with a 2010 ClearMark Award of Excellence in the category of best revised public document.

**John L. Geiger** is an attorney and executive manager in Los Angeles County's Internal Services Department. He has been instrumental in advancing the County's Plain Language Initiative. In April 2010, the Center for Plain Language recognized his rewrite of the County's contract template with a ClearMark Award of Excellence. He is also a member of the Writers Guild of America.

**Anne-Marie Hasselrot and Eva Olovsson (Sweden)****From style guides to legislation – the Swedish approach to clarity**

Sweden adopted an official language policy in 2005 and a Language Law in 2009 which prescribes that 'the language of the public sector is to be cultivated, simple and comprehensible.'

At the government level, plain language work has been carried out for more than 30 years. Today, at the Swedish Ministry of Justice, five linguists and five lawyers work as a team to revise all proposed new legislation, at parliamentary and governmental level, and ensure that it is of high legal quality and as clear and user-friendly as possible.

At the public agency level, Språkrådet, the Language Council of Sweden, is primarily responsible for putting the official language policy into practice and for monitoring the application of the Language Law. Important tasks are to write and publish handbooks, style manuals and detailed word lists, to give advice in questions of language usage and to conduct language research.

**Anne-Marie Hasselrot** is a Deputy Director and Language Expert from the Swedish Ministry of Justice. Since 1997, she has been working at the Division for Legal and Linguistic Draft Revision. Her work involves revising and modernising the language of all kinds of government documents, primarily legislative acts. She is also involved in the EU Language Service, which provides support to Swedish translators, ministries and public agencies.

**Eva Olovsson** has worked at the Swedish Language Council since 2006. Here she is responsible for the plain language work concerning public authorities. She has long experience of working with authorities as a Plain Language Consultant. Previously, she worked as a language expert at the Government Offices, revising Swedish legislation.

**Candice Burt (South Africa)****Write clear legal documents: a plain language workshop**

Plain language has grown in importance around the world, with regulatory and legislative requirements coming to the fore in many countries, for example, USA, Australia, South Africa, Canada and the UK. Implementing a plain language programme in your organisation will have a major effect on organisational documents, from marketing communications to contracts, disclaimers and disclosures.

Delegates get the opportunity to apply plain language principles to their own documents.

**Workshop objectives**

This three-hour workshop will help you to apply plain-language techniques to your legal communications. Objectives are:

1. To show how to apply various techniques for writing clear legal documents
  - Write for your readers
  - Define the purpose and objectives of your document
  - Use a logical structure
  - Write informative headings
  - Prefer short sentences
  - Deal with jargon and legalese
  - Create an easy-to-read layout for your documents
2. To show how to set plain language criteria in your organisation
3. To make sure your programme is sustainable.

**Candice Burt** is a plain-language lawyer. She is a director of Simplified, a training and consultancy firm in Johannesburg. She is also the South African representative of Clarity.

The main focus of Candice's work is simplifying legal information. Among her clients are Discovery, Alexander Forbes and Absa.

In 2009, Candice, together with Frances Gordon, contributed chapters to Neville Melville's *The Consumer Protection Act made easy* and Cheryl Stephen's *Plain Language in Plain English*.

This year, Candice co-founded the Plain Language Group of South Africa with other plain-language practitioners. Its aim is to lobby for effective plain language guidelines.

**Prices**

	Early Bird (until 31st of August)	Standard
Conference 13 and 14 October	€ 295	€ 350
One half-day seminar 12 October	€ 250	€ 295
Two half-day seminars 12 October	€ 450	€ 495
Gala dinner 14 October	€ 85	€ 95

**Invoice**

If you need an invoice before you pay, email us at [registration@clarity2010.com](mailto:registration@clarity2010.com). Make sure you give us the following details:

- name
- company name (if applicable)
- tax number
- full address
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**Discounts**

Members of Clarity, IIID and Ordem dos Advogados are entitled to 10% off the conference and seminar prices. Please contact your organization to get your discount code before registering. We cannot offer discounts after you have paid for your tickets.

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