

## ***Legal Speak: Why Lawyers Use “Legal” Language***

It is not at all uncommon for us to prepare a Will or some other legal document for a client only to have them exclaim “Why can’t you just use plain language?!?” Why the legal mumbo jumbo?!

We then go onto review the document and explain it to the client in simple, plain, everyday language. So why do lawyers use legalese? Why can’t lawyers use so-called simple, plain everyday language.

Well the reality is that the use of everyday language often creates a legal battle. There have been many, many court cases fought over the interpretation of wills that were drafted in such a way so as to avoid legal language.

For example, many years ago our firm was involved in a case where the deceased drafted a Will which stated that he left everything in his house to certain named beneficiaries. He then went on to leave certain bank accounts, shares and similar investments to other named beneficiaries. Pretty simple and clear don’t you think? Wrong!

After he passed away, a search of the house produced numerous shares certificates, bonds and other investments tucked away in dresser drawers. The people who were to receive everything in the house argued that the contents of the house included those investments found in the house. On the other side, those who thought they were receiving all of the investments argued that the deceased intended that the investment certificates found in the house should go to them.

So off everyone trotted to court to have a judge hear evidence, and ultimately read and interpret the deceased’s Last Will and Testament. Everyone put forth what they thought the Testator really meant. Had the Will been properly drafted with “legalese” the challenge would never have arisen.

The reality is that things that are not familiar to us challenge us all. As lawyers, we would not attempt to dispense medical advice or financial advice, let alone attempt to perform mechanical feats upon our own motor vehicles. You should not attempt to draft your own Will.

Lawyers use the language that they do for a very good reason. The phrases and words have been challenged in the Courts over the many hundreds of years of our common law history. Those that have stood the test of time and legal challenge are the ones that lawyers continue to rely upon.

Your challenge in seeking legal advice is to find a lawyer who truly understands “legalese”. They can then interpret it for you in simple, plain everyday vernacular. The legal world will not be a mystery to you provided your lawyer is able to make you understand, in simple, everyday language, your legal matter.

We should all be thankful that the legal world has at least dropped the use of Latin! Just as your doctor interprets your medical tests, so should your lawyer be able to interpret your “legalese”.

*The opinions expressed are for information purposes only and readers should consult with a lawyer in relation to specific cases.*