**Tips for effective legal drafting**

**Follow the six principles of a user-friendly style:**

1. **Prefer the active voice to the passive.**  
“The Buyer must pay the Fee by 14 May” is better than “The Fee must be paid by the Buyer by 14 May.”

2. **Keep sentences and sub-clauses short**.  
Aim for sentences of fewer than 40 words, keeping to one idea per sentence. In drafting, you can treat each sub-clause as a separate sentence. Look for conjunctions and brackets, and use bullet points or sub-clauses for lists.

3. **If two words mean the same, choose the simpler one.**“Commence” could become “start”, for example. Don’t do this for any words with a specific legal meaning.

4. **Keep it concise.**  
Avoid clusters of words if there’s a one-word equivalent (for example “if” is better than “in the event that”), and remove any “padding” (words that don’t add anything).

5. **Avoid, or explain, any legal or other jargon.**   
If a word has legal meaning, and there isn’t a simpler alternative, you should keep it. Explain any acronyms, and try not to make up new ones. Avoid Latin if there is an acceptable English equivalent. Consider these alternatives to “shall”: “will”, “may” and “must”.

6. **Prefer verbs to nouns.**“My suggestion would be that we conduct an analysis of the data.” (12 words)  
“I suggest we analyse the data.” (6 words)

**Avoid danger areas by drafting flexibly:**

1. **Draft in the positive if you can.**It is easier to understand. For example, “The regulation applies only if…” is better than “The regulation does not apply unless…”.

2. **Try to avoid provisos.**  
The words “…provided that…” can make sentences too long. Try to state the proposition in Clause 1 (starting “Subject to Clause 2”) and then carve out the exception in Clause 2.

3. **Keep your verbs together.**   
When the doer and what they are doing become separated in a clause, ambiguity can creep in. If possible, reword the clause to reunite the subject and the verb.

4. **Make your “bottom” match your “top”.**The announcing words at the start of a clause (before the colon) should read correctly with each sub-clause that follows.

5. **Be flexible with qualifying phrases.**   
Use commas/brackets, tabulate or rephrase them to remove ambiguity.

6. **Use “and” and “or” carefully.**And ideally avoid “and/or”.

7. **Be careful where you place modifiers**.  
This applies especially to the word “only”. Its position can change the meaning of the sentence.

8. **Draft time periods precisely**.  
It is sensible to clarify in particular whether they are inclusive or exclusive.

9. **Get your grammar right**.  
Focus particularly on commas, pronouns and that/, which.

10. **Beware vague drafting**.  
Words like “reasonably”, “substantially”, “materially” and “promptly”, for example, can increase legal risk. Be more specific if you can.

**Use the four-stage approach to plan your work, especially when drafting from scratch:**

**Free spirit**Think creatively and consider the big picture.

**Architect**Organise your ideas into a clear, logical structure. You should finish thinking before you start to draft.

**Carpenter**Choose your words carefully, considering the audience, and keep it simple.

**Judge**Take time to review your work critically, looking at both the big picture and the finer details.

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