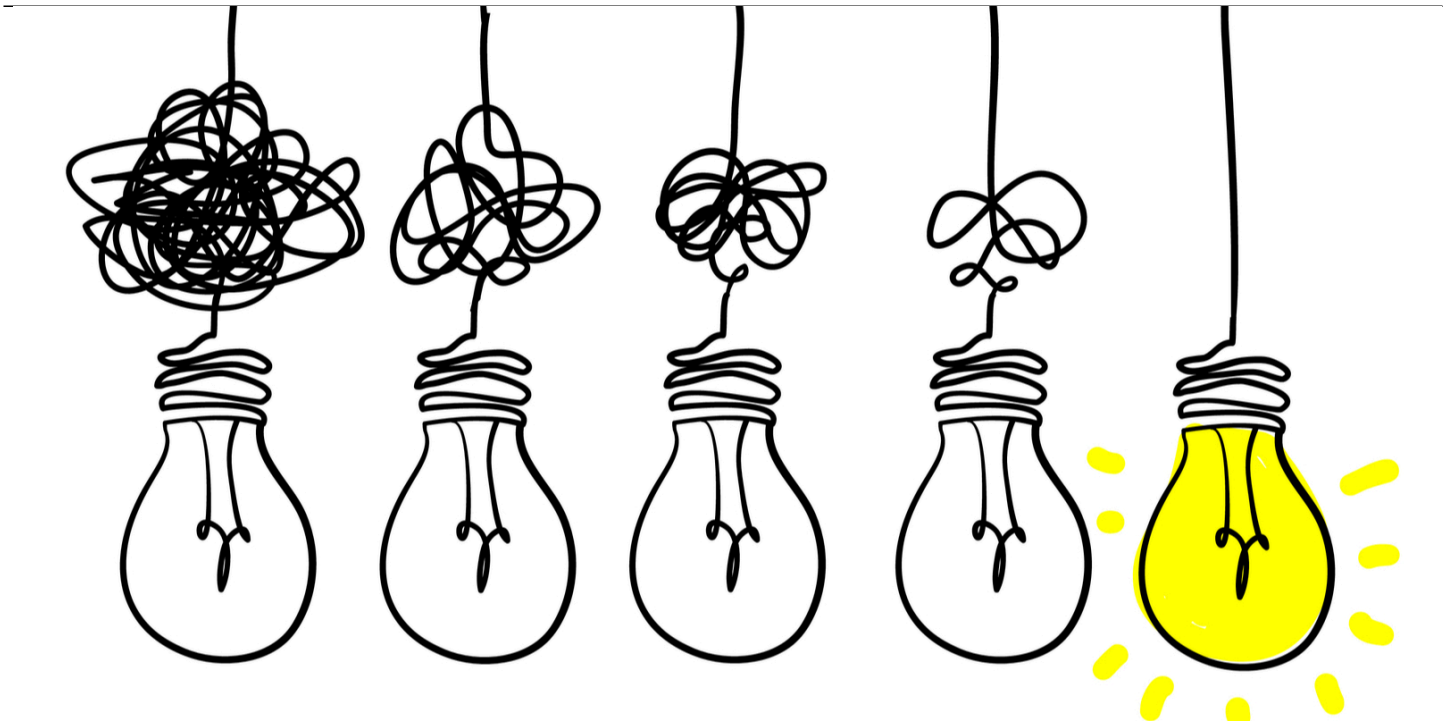



# Bringing the Human Voice to Legal Language

**Commercial and Contracts**



If we could agree on one action to transform the image of the legal profession, increase its value, and introduce innovation to our practice, what would that be?

Technology has transformed the way we deliver legal services, from AI-driven smart contracts to sophisticated client and process management systems. But we shouldn't think of innovation as being the sole domain of expensive tech investment. Perhaps remarkably, one of the answers is available to us at virtually no cost and it is guaranteed to help us create greater trust and importantly, greater understanding in an increasingly complex world where corporate speak and buzzwords reign supreme.

The path to these possibilities, and others, lies in language — the words we use and how we use them. Language that is intuitive, stripped down, conversational, real, welcoming, and yes, even friendly.

Let's call it "human language."

> At its best, it is distinctly easy to hear, read, and understand.

What I'm describing is the next natural step beyond plain language — an approach to legal communication that seeks clarity and understanding via simplicity. At its best, it is distinctly easy to hear, read, and understand.

This evolution does more than demystify contract terms and legal advice. It makes the value of our profession more obvious and accessible to everyone, from the board of directors to shareholders to the C-suite and to the general public. As in-house counsel, if we're striving to get a coveted "Seat at the Table," then we need to speak in a more accessible way to change perception and break through

these communication barriers.

## Humanizing legalese

Legal language has created a barrier at many levels — even in-house. It's no surprise that people can often find the wording of contracts and other legal communications about as accessible as double encrypted state secrets.

So, first let’s think in terms of what the audience wants to know, and what we want them to consume.

Let’s use language that’s engaging to read, not formal, frustrating, or intimidating. It is possible to use language that is still rigorous and legally effective, but also feels like we are facilitating conversation between equals.

When we take this step beyond plain language and take on a more human voice in our communications, we do more than simplify. We become translators. We generate inclusion. We close gaps between individuals and institutions.

Ultimately, we deliver a new level of value for people dealing with a world that’s becoming faster and relentlessly more complex. We shouldn’t strive to add to this complexity, but instead to help make better sense of it.

This escalating complexity alone means we must be serious about demonstrating the value of effective human language in things like end-user contracts, non-disclosure agreements, employment offers, training documents, shareholder communications — virtually anything we produce for regular people, not other lawyers.

> We become translators. We generate inclusion. We close gaps between individuals and institutions.

I’m not suggesting this will be easy; only that it needs to be done.

Mark Twain once wrote, “I didn't have time to write you a short letter, so I wrote you a long one.” Sometimes taking the complex and making it easy is often the hardest part.

We represent a profession with a proud history, one that has undergone rigorous training, and upholds traditions that draw on precedence. We are trained to deal with new situations by consulting the past. We tend to default to formality and jargon — albeit artful jargon — as indicators of our expertise and unique value. Instead, we should demonstrate our value by departing from the archaic formalities inherent in language structures from the past.

Retraining our hard wired and learned mindsets and tendencies will be challenging. Communicating in a human voice can, ironically, feel quite unnatural for us. And this shift doesn’t fit every situation, so it also requires judgment and a level of adaptability. Recognizing the difference between contracts for a multi-billion dollar toll road project and explaining terms of use for a consumer is one example.

But once we take this on as a new commitment, the benefits for our profession in perception and reputation will certainly justify the effort required to change.

## Where to begin?

At Xero, we're already using "human language" legal communication, and I invite anyone to check out how this approach is taking shape — our terms of use is a good example.

I thought it would be helpful to include some simple steps on how you can apply human language to your company's legal communications.

### Place yourself in the target audience's shoes

Start with what the consumer of our language needs to know and understand, and in what order. Your company's challenges, protections, and risk considerations matter, of course, but they can come later.

### "Say it out loud" — and listen carefully

Imagine explaining this agreement to a friend, over a family dinner, or at a local community event. Go back to the words you would have used before you were qualified as a lawyer and trained to use formal legal drafting.

### Start fresh

Don't reuse or edit an existing legal draft that wasn't working before. In this case, it's essential to start new and draft something in original human language.

### Simplify, simplify, simplify

It takes time, and some bravery, to let go of some of our professional ego. Simplification is not second nature for most of us.

It requires us to challenge our training, think about what really matters today, not what mattered 10 or 20 years ago, and write with an audience of non-lawyers in mind. Using complicated language is not a telling representation of your level of intelligence, however drawing on your soft skills and showing ability to adapt and communicate effectively to any audience is.

### Re-examine the rationale for everything you do

Human language does not diminish or compromise our mission to protect the interests of a client or our organization. Our profession can do both, and do it in ways that are much more balanced than the language often used today.

Chaman Sidhu



Chief Legal Officer

Xero

Chaman Sidhu leads Xero’s legal, government relations and governance functions globally and has more than 20 years’ experience in legal operations, strategy, compliance, governance and risk management. She has previously worked as group general counsel and company secretary for Envato and Lonely Planet Publications. Chaman is dual-qualified in Australia and the United States, and is a graduate of the Australian Institute of Company Directors. She is based in Melbourne, Australia.