

Creating Simple and Enforceable Contracts: Lofty Goal or Foolish Fantasy?

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Some argue that contracts need not be “[filled with mind-bending legal gibberish](#)” and that plain simple everyday language will suffice.

Perhaps attorneys need to take a deep breath of fresh air and let go of the legal jargon they learn in law school and on the job. If the legal community tried harder to find ways of expressing terms and conditions in a straightforward manner, clients and contracting parties would likely appreciate the effort.

Come to think of it, “terms and conditions” (see the prior sentence) may be one of those legal phrases that perplex non-lawyers, causing scratched heads and confused minds.

Of course, legal terms that seem curious or confusing to non-lawyers often have established meanings under the law and serve as a form of shorthand that could reduce the length and complexity of a contract.

But we don't hear many stories about clients complementing their attorneys for the brevity of their drafting skills.

So perhaps there's something to the idea of simple enforceable contracts after all.

One way to keep it simple is have an oral agreement, nothing in writing. An oral agreement may be easy to understand, or it could be complex, but no one ever complains about how long it is or how obtuse the language.

Your attorney may advise against an oral contract because of the likelihood that the parties are leaving too much unaddressed, or that they see things differently without realizing it, either of which could lead to disputes down the line.

Some contracts are required by law to be in writing, so if your solution to legalese is to avoid a written contract altogether you better check state law and make sure your agreement will be enforced by the courts in case things don't work out.

Which brings to mind another form of legal writing, one that may be even more confusing and stuffed with legalese than contracts.

We're talking court opinions.

But that's another story.

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