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New paper in PNAS: “Even lawyers don’t like legalese.” With Frank Mollica and @LanguageMIT.

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**PNAS**

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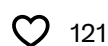
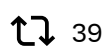
## Even lawyers do not like legalese

Eric Martínez<sup>a,1</sup> , Francis Mollica<sup>b</sup> , and Edward Gibson<sup>a</sup>

Edited by Susan Goldin-Meadow, University of Chicago, Chicago, IL; received February 17, 2023; accepted

Across modern civilization, societal norms and rules are established and communicated largely in the form of written laws. Despite their prevalence and importance, legal documents have long been widely acknowledged to be difficult to understand for those who are required to comply with them (i.e., everyone). Why? Across two preregistered experiments, we evaluated five hypotheses for why lawyers write in a complex manner. Experiment 1 revealed that lawyers, like laypeople, were less able to recall and comprehend legal content drafted in a complex “legalese” register than content of equivalent meaning drafted in a simplified register. Experiment 2 revealed that lawyers rated simplified contracts as equally enforceable as legalese contracts, and rated simplified contracts as preferable to legalese contracts on several dimensions—including overall quality, appropriateness of style, and likelihood of being signed by a client. These results suggest that lawyers who write in a convoluted manner do so as a matter of convenience and tradition as opposed to an outright preference and that simplifying legal documents would be both tractable and beneficial for lawyers and nonlawyers alike.

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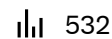
Across civilization, societal rules are established and communicated largely via written laws. Despite their prevalence and importance, legal documents have long been acknowledged to be difficult to understand by those who are required to comply with them (i.e. everyone). Why? 2/



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Across two pre-registered experiments, we evaluated five hypotheses for why lawyers write in a complex manner. 3/



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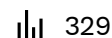
Hypothesis 1: According to the “curse of knowledge” hypothesis, the difficulty of legal language stems from lawyers not realizing that they write in an esoteric manner. 4/



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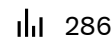
Hypothesis 2: According to the “in-group signaling” hypothesis, lawyers write in legalese to be accepted by their peers, to sound more “lawyerly,” to “mark themselves as members of the profession.” 5/



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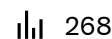
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Hypothesis 3: According to the “it’s just business” hypothesis, lawyers write in legalese as a way of “preserving their monopoly” on legal services and “justifying fees.” 6/



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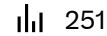
Hypothesis 4: According to the “complexity of information” hypothesis, legal language needs to be complex in order to satisfy certain communicative aims, such as conveying complex legal concepts in a way that is “far more precise than ordinary language.” 7/



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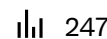
Hypothesis 5: According to the “copy-and-paste” hypothesis, lawyers write complex out of “habit, laziness” or respect for precedent, that they “copy and paste” from existing templates because that’s the “quickest and cheapest way to produce a contract.” 8/



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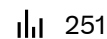
In Experiment 1, we evaluated the curse of knowledge hypothesis. We compared lawyers’ and laypeople’s understanding of contracts written in legalese with simplified contracts with the same meaning. 9/



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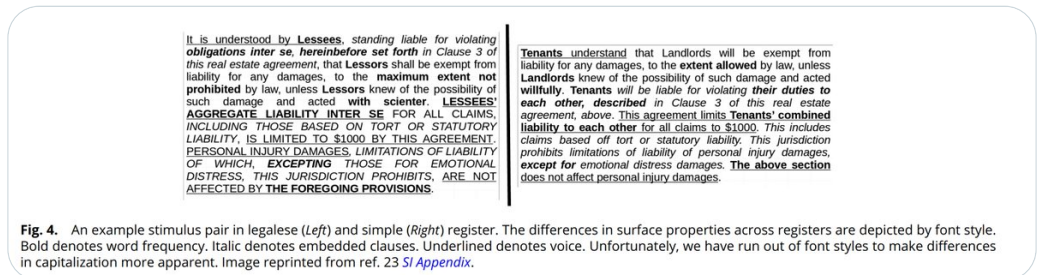


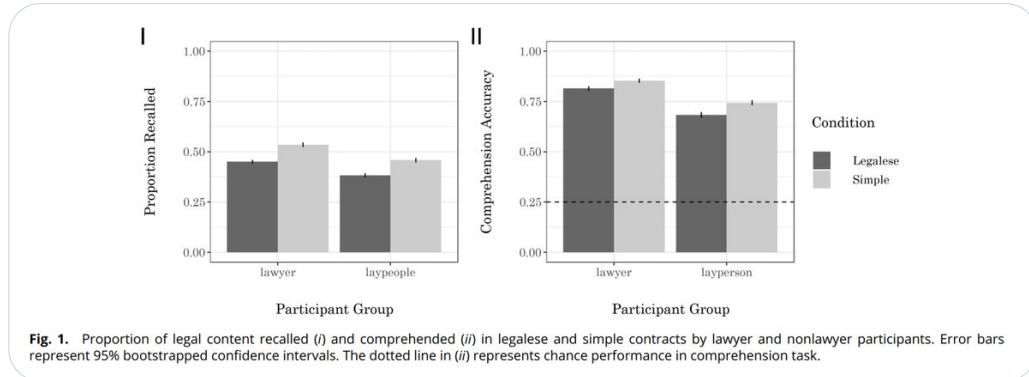
Fig. 4. An example stimulus pair in legalese (Left) and simple (Right) register. The differences in surface properties across registers are depicted by font style. Bold denotes word frequency. Italic denotes embedded clauses. Underlined denotes voice. Unfortunately, we have run out of font styles to make differences in capitalization more apparent. Image reprinted from ref. 23 SI Appendix.



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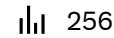
Contrary to the curse of knowledge hypothesis: lawyers, like laypeople, were better at comprehending and recalling simple vs legalese contracts. There was no evidence that lawyers were disproportionately better than laypeople at understanding legalese vs simple. 10/



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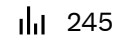
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In Experiment 2, we sought to evaluate the predictions associated with the four remaining hypotheses: in-group signaling, it's just business, complexity of information hypothesis, and the copy-and-paste hypothesis. 11/



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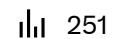
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The results of Experiment 2 were in line with all of the pre-registered predictions of the copy-and-paste hypothesis and against all of the pre-registered predictions of the in-group signaling, it's just business and complexity of information hypotheses. 12/



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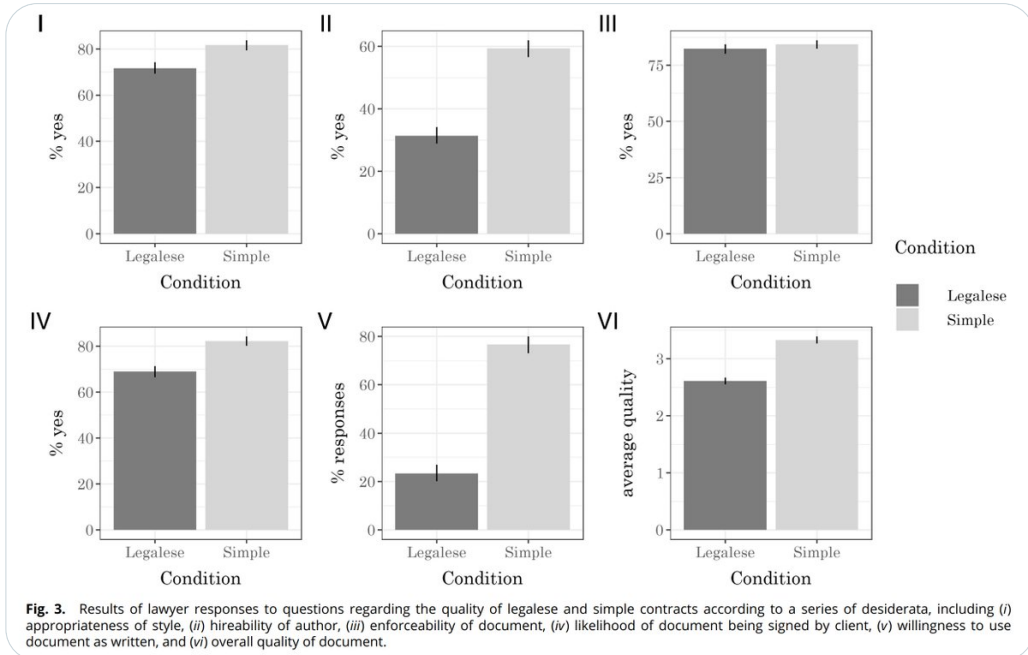




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In particular, lawyers rated simplified contracts as equally enforceable as legalese contracts, and preferable to legalese contracts on several dimensions—including overall quality, appropriateness of style, and likelihood of being signed by a client. 13/



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The results suggest lawyers who write in a convoluted manner do so out of convenience and respect for precedent as opposed to outright preference, consistent with recent work indicating that lawyers rely heavily on and rarely deviate from templates in drafting contracts. 14/



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From a policy perspective, our results further suggest simplifying legal texts would be tractable and beneficial for lawyers and non-lawyers alike, particularly as lawyers become aware of the availability of simpler alternatives. 15/



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To the extent that large language models such as GPT can replace complex features with simpler alternatives, our results also suggest such tools can in principle not only create unofficial summaries of legal texts but also help create simpler official versions of legal texts. 16/

